

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION  
CASE NO. 1:21-CV-00108

REPUBLIC SERVICES OF INDIANA, )  
LIMITED PARTNERSHIP, )  
Plaintiff, )  
vs. )  
COE HEATING & AIR CONDITIONING, )  
INC.; and GAS-FIRED PRODUCTS, )  
INC. d/b/a SPACE-RAY, )  
Defendants. )

---

The video deposition upon oral examination of JAMES P. FOSTER, CFI, CFEI, CVFI, a witness produced and sworn before me, Lisa C. Pierce, a Notary Public in and for the County of Hamilton, State of Indiana, taken on behalf of the Defendants at Lewis Kappes, One American Square, Suite 2500, Indianapolis, Marion County, Indiana, on January 24, 2023, commencing at the hour of 11:16 a.m., pursuant to Applicable Rules of Procedure, with written notice as to time and place thereof.

Job No. CS5675427

<p style="text-align: right;">Page 2</p> <p>1           A P P E A R A N C E S</p> <p>2 FOR THE PLAINTIFF:</p> <p>3     Thomas Jones</p> <p>4         James E. Zoccola</p> <p>5     LEWIS KAPPES</p> <p>6         One American Square</p> <p>7         Suite 2500</p> <p>8         Indianapolis, IN 46282</p> <p>9         P: 317.639.1210</p> <p>10        F: 317.639.4882</p> <p>11        E: tjones@lewiskappes.com</p> <p>12        jzoccola@lewiskappes.com</p> <p>13</p> <p>14 FOR THE DEFENDANTS:</p> <p>15     Martin J. Gardner</p> <p>16         GARDNER &amp; RANS, P.C.</p> <p>17         117 Perspective Drive</p> <p>18         Suite 2</p> <p>19         Granger, IN 46530</p> <p>20         P: 574.233.6035</p> <p>21         E: mgardner@gardnerandrans.com</p> <p>22     James W. Hehner</p> <p>23         Ben Katchur</p> <p>24     CLENEDENING JOHNSON &amp; BOHRER, P.C.</p> <p>25         225 North Delaware Street</p> <p>       Indianapolis, IN 46204-2137</p> <p>       P: 812.382.8559</p> <p>       E: jhehner@lawcjb.com</p> <p>THE VIDEOGRAPHER:</p> <p>Greg Dupuis</p>	<p style="text-align: right;">Page 4</p> <p>1           INDEX OF EXHIBITS</p> <p>2           Page</p> <p>3     Deposition Exhibits:</p> <p>4     Exhibit G - Two Color Photos..... 72</p> <p>5     Exhibit Z, Page 3 - Color Aerial Photo 47</p> <p>6     Exhibit Z, Page 2 - Color Aerial Photo 54</p> <p>7     Exhibit DD - Twelve Color Photos..... 137</p> <p>8     Exhibit SS - Second Amended Notice of</p> <p>9         Video Deposition..... 20</p> <p>10    Exhibit TT - Second Amended Subpoena</p> <p>       Duces Tecum..... 20</p> <p>11</p> <p>12     Deposition Exhibits Retained by Counsel:</p> <p>13</p> <p>14     Exhibit C - Invoice 6624965 CCMSL..... 87</p> <p>15     Exhibit D - Handwritten Notes, 7 Pages 34</p> <p>16     Exhibit E - Fred Jones Document..... 188</p> <p>17     Exhibit F - Letter Dated December 3, 2019 67</p> <p>18     Exhibit P - Product Specification..... 351</p> <p>19     Exhibit R - Modine Installation and</p> <p>20         Service Manual Sheet..... 270</p> <p>21     Exhibit S - Modine 6-189.9 November 2014 271</p> <p>22     Exhibit V - Korte Does It All Proposal 271</p> <p>23     Exhibit W - 6231 MacBeth Diagram..... 276</p> <p>24     Exhibit Y - December 15, 2022 Email... 281</p> <p>25     Exhibit AA - Color Photographs..... 211</p> <p>       Exhibit CC - Color Photographs..... 235</p> <p>       Exhibit FF - Color Photographs..... 248</p> <p>       Exhibit GG - Letter Dated November, 2022 311</p> <p>       Exhibit HH - Evidence Custody Form.... 315</p> <p>       Exhibit KK - Color Photographs..... 317</p> <p>       Exhibit LL - Color Photographs..... 321</p> <p>       Exhibit MM - Color Photographs..... 324</p> <p>       Exhibit NN - Color Photographs..... 325</p> <p>       Exhibit PP - Color Photographs..... 341</p>
<p style="text-align: right;">Page 3</p> <p>1           INDEX OF EXAM</p> <p>2           Page</p> <p>3     DIRECT EXAMINATION.....</p> <p>4         Questions by Martin J. Gardner 6</p> <p>5         Questions by James W. Hehner 384</p> <p>6     CROSS-EXAMINATION.....</p> <p>7         Questions by Thomas Jones 389</p> <p>8     REDIRECT EXAMINATION.....</p> <p>9         Questions by Martin J. Gardner 399</p> <p>10        Questions by James W. Hehner 404</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1                           11:16 a.m.</p> <p>2                           January 24, 2023</p> <p>3     THE VIDEOGRAPHER: Good morning. We are going</p> <p>4     on the record at 11:16 a.m. on January 24th, 2023.</p> <p>5     Please note that the microphones are sensitive and</p> <p>6     may pick up whispering and private conversation.</p> <p>7     Please mute your phones at this time. Audio and</p> <p>8     video recording will continue to take place unless</p> <p>9     all parties agree to go off the record.</p> <p>10    This is media unit one of the video-recorded</p> <p>11    deposition of James P. Foster taken by counsel for</p> <p>12    the defendant in the matter of Republic Services of</p> <p>13    Indiana, Limited Partnership, versus COE Heating &amp;</p> <p>14    Air Conditioning, Inc., et al., filed in the</p> <p>15    US District Court, Northern District of Indiana,</p> <p>16    Fort Wayne Division, Case Number 1:21-CV-00108.</p> <p>17    The location of this deposition is Lewis &amp; Kappes</p> <p>18    law firm, Indianapolis, Indiana 46282.</p> <p>19    My name is Greg Dupuis representing Veritext,</p> <p>20    and I'm the videographer. The court reporter is</p> <p>21    Lisa Pierce from the firm Veritext. I'm not</p> <p>22    related to any party in this action nor am I</p> <p>23    financially interested in the outcome. If there</p> <p>24    are any objections to proceeding, please state them</p> <p>25    at the time of your appearance. Counsel and all</p>

<p style="text-align: right;">Page 6</p> <p>1 present will now state their appearances and</p> <p>2 affiliations for the record beginning with the</p> <p>3 noticing attorney.</p> <p>4 MR. GARDNER: Martin Gardner for Defendant</p> <p>5 COE Heating &amp; Air Conditioning, Inc.</p> <p>6 MR. JONES: Thomas Jones and Jim Zoccola for</p> <p>7 the plaintiff.</p> <p>8 MR. HEHNER: James Hehner and Ben Zoccola</p> <p>9 [sic] for Gas-Fired Products, Inc. doing business</p> <p>10 as Space-Ray.</p> <p>11 THE VIDEOGRAPHER: Will the court reporter now</p> <p>12 swear in the witness, and then we may proceed.</p> <p>13 THE STENOGRAPHIC REPORTER: Would you raise</p> <p>14 your right hand, please.</p> <p>15 JAMES P. FOSTER, CFI, CFEI, CVFI,</p> <p>16 having been first duly sworn to tell the truth, the</p> <p>17 whole truth, and nothing but the truth relating to</p> <p>18 said matter, was examined and testified as follows:</p> <p>19 THE WITNESS: Yes, I do.</p> <p>20 DIRECT EXAMINATION,</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. Can you please state your full name on the record.</p> <p>23 A. James P. Foster.</p> <p>24 Q. You and I have met a couple of times in this case</p> <p>25 and maybe even earlier in our careers. Can I call</p>	<p style="text-align: right;">Page 8</p> <p>1 part-time?</p> <p>2 A. I'm full-time there.</p> <p>3 Q. And what days and hours do you work?</p> <p>4 A. Monday through Friday.</p> <p>5 Q. Your shift?</p> <p>6 A. Just eight to five.</p> <p>7 Q. Hourly?</p> <p>8 A. Yes.</p> <p>9 Q. You -- oh, here come some papers. You said you</p> <p>10 were a mechanic. Can you give us your job duties</p> <p>11 at Northside Trailer.</p> <p>12 A. Basically we do all types of mechanical work on</p> <p>13 trailers for -- at this point in time.</p> <p>14 Q. Do you have any certification as a mechanic?</p> <p>15 A. No, I do not.</p> <p>16 Q. And in the last year-and-a-half, have you had --</p> <p>17 I'm not gonna ask your income here. But have you</p> <p>18 had any other sources of income other than working</p> <p>19 with Northside Trailer?</p> <p>20 A. Yes. I have Social Security and a pension from the</p> <p>21 City of Carmel Fire Department.</p> <p>22 Q. Your curriculum vitae and your information on your</p> <p>23 LinkedIn indicates reference to doing some private</p> <p>24 work as a fire investigator after leaving Rimkus?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 you Jim today?</p> <p>2 A. Yes, you can, sir.</p> <p>3 Q. You can call me Marty; just makes the dep go</p> <p>4 faster. How old are you, Jim?</p> <p>5 A. I am 67.</p> <p>6 Q. Your date of birth?</p> <p>7 A. 7-3 of 1955.</p> <p>8 Q. And what's your current address, home address?</p> <p>9 A. 7850 Parkdale Drive, Zionsville, Indiana 46077.</p> <p>10 Q. Who's your current employer?</p> <p>11 A. My current employer I -- that I work for on a</p> <p>12 regular basis right now is Northside Trailer. And</p> <p>13 I work there as a mechanic.</p> <p>14 Q. How long have you worked at Northside Trailer, Jim?</p> <p>15 A. Two -- almost year-and-a-half, since June of 2021,</p> <p>16 I guess is it.</p> <p>17 Q. What is the business address of Northside Trailer?</p> <p>18 A. Ooh, I don't know offhand. It's on State Road 32.</p> <p>19 It's about 14,000 block. But I don't know --</p> <p>20 it's -- it's next to the Indianapolis Executive</p> <p>21 Airport, if you know where that's at, Hamilton</p> <p>22 County.</p> <p>23 Q. Unfortunately I don't.</p> <p>24 A. Okay.</p> <p>25 Q. All right. And are you -- did you say full-time or</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Can you tell us about that.</p> <p>2 A. I still do that kind of on a very part-time basis</p> <p>3 when asked. I have a -- there's a company out of</p> <p>4 Florida that has a -- an insurance company here in</p> <p>5 Indiana that they occasionally need someone to do</p> <p>6 fire investigations for. And that's called Fire</p> <p>7 Forensics. So I'm still involved in the</p> <p>8 investigation aspect of things.</p> <p>9 Q. When were you last employed with Rimkus?</p> <p>10 A. Ooh. June --</p> <p>11 Q. Just a month and year.</p> <p>12 A. In June of 2021, I believe it was.</p> <p>13 Q. The curriculum vitae that you provided indicates</p> <p>14 your dates of employment with Rimkus Consulting</p> <p>15 Group, Inc. was 2018 to 2020.</p> <p>16 A. So be over a year-and-a-half, whatever that would</p> <p>17 be. I can't -- it's 2020 then. So I'm sorry.</p> <p>18 Q. Okay. That's all right.</p> <p>19 A. Yeah.</p> <p>20 Q. You think it was June of 2020?</p> <p>21 A. 2020, yes.</p> <p>22 Q. All right. And when did you start working</p> <p>23 part-time doing fire investigation work independent</p> <p>24 of Rimkus? And after your employment with Rimkus,</p> <p>25 when did you --</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Well, after my employment with Rimkus, I still  2 followed up on a lot of cases that were still --  3 that would occasionally come about --  4 Q. You mean, that you started with --  5 A. -- from -- from past --  6 Q. -- Rimkus?  7 A. Yeah.  8 Q. I'm sorry.  9 A. After I left Rimkus.  10 Q. How many?  11 A. I've had five or six cases come up that I've had to  12 do followup work with as well as two depositions.  13 Q. In the five or six cases that you continued to work  14 on after leaving Rimkus in June of 2020, is this  15 case one of the five or six?  16 A. Yes.  17 Q. All right. Have you, since leaving Rimkus in June  18 of 2020, prepared any expert reports in connection  19 with those five or six cases, outside of the one  20 you produced in December of 2022 in this case?  21 A. I -- I don't think I've prepared any expert reports  22 that I haven't already completed prior to leaving  23 Rimkus.  24 Q. So the only new expert report -- report you've  25 prepared since leaving Rimkus was the one in this</p>	<p style="text-align: right;">Page 12</p> <p>1 with Rimkus?  2 A. Yes.  3 Q. Your curriculum vitae says that started in 2018.  4 A. That -- yeah, okay. That was '18. I'm sorry.  5 Q. So you never gave a deposition prior to calendar  6 year 2018.  7 A. No, for Rimkus, that was when I first give one for  8 them. I give one for EFI when I worked for them  9 in -- about 2016 was my first deposition.  10 Q. How many depositions total do you think you've  11 given --  12 A. In the --  13 Q. -- in your career?  14 A. -- 44 years I've been in the fire investigator,  15 it's -- I've given, like, six depositions total.  16 Q. And in those six depositions total, were you  17 involved in the case in terms of determining cause  18 and origin?  19 A. Yes, sir.  20 Q. Okay. So just a couple of ground rules. If you  21 and I were having coffee together, we would talk at  22 the same time, and we would talk over top of each  23 other, and neither of us would care or notice. But  24 our court reporter has to finish typing up a  25 question before she can start typing up an answer?</p>
<p style="text-align: right;">Page 11</p> <p>1 case --  2 A. Yes.  3 Q. -- dated December 2022, right?  4 A. Yes.  5 Q. I think you mentioned giving a couple of  6 depositions. When were those?  7 A. One was three weeks ago in a case in Chicago. I --  8 I don't have the date in front of me. But ...  9 Q. You could find that on --  10 A. And I don't -- I don't --  11 Q. -- look at your calendar?  12 A. I -- I can if you --  13 Q. Yeah. Hold on. When's the last time you had your  14 deposition taken? Three weeks ago.  15 A. Three weeks ago.  16 Q. Okay. Let's go over a couple of ground rules.  17 You've been giving depositions for how many years?  18 A. Well, I've been a fire investigator for 44 years.  19 Q. How long ago was your first deposition?  20 A. And my first deposition was actually when I began  21 at Rimkus, which would have been in -- my beginning  22 date there would have been 2000 --  23 Q. Fourteen?  24 A. No, it was -- '16, I think it, was when I was --  25 Q. Oh. So your first deposition was while you were</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Okay.  2 Q. So try your best, Jim, to slow down a little bit  3 and wait until the question's finished. And we'll  4 try our best to make sure your answer's finished  5 before we start the next question. Okay?  6 A. Okay.  7 Q. All right. If there's a question you don't  8 understand, please let us know so that we can  9 rephrase it and get on the same page.  10 A. Okay.  11 Q. Otherwise I'll presume you understood the question.  12 All right?  13 A. Okay.  14 Q. We're going to take some breaks throughout today.  15 We might go as long as 5:00 today. If you need to  16 take a break for an important phone call or  17 something, just let us know. And we can  18 accommodate that so long as you answer the pending  19 question. All right?  20 A. Yes.  21 Q. Are you on any medications today that could in any  22 way affect your ability to give a deposition that  23 might go through 5:00 today?  24 A. No, sir.  25 Q. The deposition you gave in Chicago approximately</p>

<p style="text-align: right;">Page 14</p> <p>1 three weeks ago, how long did the deposition last?</p> <p>2 A. Four-and-a-half hours.</p> <p>3 Q. Is that case pending in Illinois or Indiana or</p> <p>4 somewhere else?</p> <p>5 A. In Michigan.</p> <p>6 Q. I threw a dart and missed everything. All right.</p> <p>7 How long have you been involved in that case?</p> <p>8 A. Since 2020.</p> <p>9 Q. But you have not issued a cause-and-origin report</p> <p>10 in that case?</p> <p>11 A. Yes. I've issued a cause-and-origin report --</p> <p>12 Q. But you issued it --</p> <p>13 A. -- personally.</p> <p>14 Q. -- before leaving Rimkus.</p> <p>15 A. Yes.</p> <p>16 Q. I got it. In the case where you were deposed three</p> <p>17 weeks ago, were you retained by the plaintiff or</p> <p>18 one of the -- a, sorry, a defendant?</p> <p>19 A. By the plaintiff.</p> <p>20 Q. Just in broad, general terms, what kind of fire</p> <p>21 case are we talking about there? You can make it</p> <p>22 quick.</p> <p>23 A. This is a restaurant fire that involved spontaneous</p> <p>24 ignition of rags.</p> <p>25 Q. And you rendered an opinion on cause and origin?</p>	<p style="text-align: right;">Page 16</p> <p>1 certainty in that report?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What -- what is the name of the law firm or lawyer</p> <p>4 that re -- you worked with in connection with the</p> <p>5 Michigan fire case for which you gave a deposition</p> <p>6 about three weeks ago?</p> <p>7 A. Corsin -- I can't remember the name of the --</p> <p>8 Corsin was the lawyer -- law firm.</p> <p>9 Q. Are they out of Chicago?</p> <p>10 A. Yeah. 123 Wacker Drive is their address I know.</p> <p>11 Q. Before we move away from that, do you remember the</p> <p>12 name of the attorney who took your deposition three</p> <p>13 weeks ago?</p> <p>14 A. No, I do not.</p> <p>15 Q. Okay. Going back to the other deposition you</p> <p>16 mentioned that involved a -- a fire pertaining to</p> <p>17 the new -- a Newegg facility --</p> <p>18 A. Yes.</p> <p>19 Q. -- were you retained by the plaintiff or a</p> <p>20 defendant?</p> <p>21 A. A defendant.</p> <p>22 Q. Was it an insurance company paying your bill?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Which insurance company?</p> <p>25 A. Actually, it wasn't. I guess it was not insurance</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And did you use the word "probable" in your</p> <p>3 report?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And did you state your opinion in that report to</p> <p>6 any degree of scientific or fire investigation</p> <p>7 certainty?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And then you mentioned a -- that you took</p> <p>10 two -- you sat for two depositions since leaving</p> <p>11 Rimkus. What was the other one?</p> <p>12 A. I had one for -- in Indianapolis, on the south side</p> <p>13 of Indianapolis, at -- in Decatur area, for a</p> <p>14 Newegg facility that caught fire.</p> <p>15 Q. The company called Newegg?</p> <p>16 A. Yes.</p> <p>17 Q. And you ren -- had you rendered, prior to your</p> <p>18 deposition, a re -- a final report rendering your</p> <p>19 opinion as to origin and cause?</p> <p>20 A. Yes.</p> <p>21 Q. And did you utilize the word "probable" in that</p> <p>22 report?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And did you make reference to your degree of</p> <p>25 scientific certainty or fire investigation</p>	<p style="text-align: right;">Page 17</p> <p>1 company. It was an attorney's office that --</p> <p>2 Q. Okay.</p> <p>3 A. -- they were working for an insurance company.</p> <p>4 But --</p> <p>5 Q. And -- and I don't want to dwell on it much. Just</p> <p>6 can you summarize quickly what your determination</p> <p>7 of the fire at the Newegg facility was.</p> <p>8 A. It was a -- a projector that caught fire due to</p> <p>9 lack of maintenance.</p> <p>10 Q. Thanks. How long did that deposition last?</p> <p>11 A. I believe it was approximately four hours.</p> <p>12 Q. And about what month and year did that deposition</p> <p>13 take place?</p> <p>14 A. I don't know exactly the month. But it was in 2000</p> <p>15 and -- or 2020. Off the top of my head, I believe</p> <p>16 it was in, like, March. But ...</p> <p>17 Q. Okay. Do you remember the name of the lawyer --</p> <p>18 the lawyer who took your deposition in connection</p> <p>19 with the Newegg case?</p> <p>20 A. His -- his name was Jim -- James Johnson out of</p> <p>21 Chicago.</p> <p>22 Q. That's the one who took the deposition?</p> <p>23 A. Yes. Or that -- no. That was our attorney. That</p> <p>24 was our --</p> <p>25 Q. The one that you were working for?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. -- we were working for, yes.</p> <p>2 Q. Do you remember --</p> <p>3 A. I don't know the attorney for -- that did the</p> <p>4 deposition.</p> <p>5 Q. And what county and state is that litigation</p> <p>6 pending, that Newegg case?</p> <p>7 A. In Indianapolis, Marion County.</p> <p>8 Got -- I've got to make one statement for</p> <p>9 that. That case has already been settled. So it</p> <p>10 is not --</p> <p>11 Q. Is not what?</p> <p>12 A. Is not going -- going any farther at this point.</p> <p>13 Q. All right. Did you -- were you ever presented with</p> <p>14 a transcription of your deposition given in perhaps</p> <p>15 March of 2020?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you keep anywhere, including not -- but not</p> <p>18 limited to your home, copies of any depositions</p> <p>19 you've given in your career?</p> <p>20 A. No. I do not have any copies.</p> <p>21 Q. Has the deposition that was taken in Chicago been</p> <p>22 transcribed and given to you yet?</p> <p>23 A. No, sir.</p> <p>24 Q. So you've told us in your career, prior to today,</p> <p>25 you've given about five or six depositions. This</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes.</p> <p>2 Q. What's the difference between a reserve officer and</p> <p>3 a non-reserve officer?</p> <p>4 A. The title.</p> <p>5 Q. That's all?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So we've issued a couple of deposition</p> <p>8 notices for you -- for your deposition, including,</p> <p>9 most recently, a Second Amended Deposition Notice</p> <p>10 by video. I jumped to exhibit marking SS. I don't</p> <p>11 have -- have copies with me. Have you seen this</p> <p>12 before, Jim?</p> <p>13 A. Yes, I have seen this.</p> <p>14 Q. Okay. I appreciate you coming today.</p> <p>15 MR. GARDNER: We'll just move this over for</p> <p>16 her. Okay?</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. Attached to that is -- was a Subpoena Duces Tecum</p> <p>19 requesting certain documents. I've marked this as</p> <p>20 Exhibit TT dated today. Take a look at that; let</p> <p>21 me know if you've seen that before. Oops.</p> <p>22 A. Yes, I have.</p> <p>23 Q. Okay. Is there anything listed in the subpoena,</p> <p>24 any documents or records or property as enumerated</p> <p>25 and listed in Exhibit TT, that you haven't already</p>
<p style="text-align: right;">Page 19</p> <p>1 might make number seven, right?</p> <p>2 A. No. This would be inclusive of --</p> <p>3 Q. Oh, that's right.</p> <p>4 A. -- of those.</p> <p>5 Q. How many times have you testified in court?</p> <p>6 A. Multiple times. I -- is -- in reference to court</p> <p>7 proceedings --</p> <p>8 Q. Let me refine the question. How many times have</p> <p>9 you testified in court as an origin-and-cause</p> <p>10 expert?</p> <p>11 A. I've never had to go to trial.</p> <p>12 Q. And so the depositions you've given have involved</p> <p>13 other matters outside of you giving expert opinion</p> <p>14 on cause and origin, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And were some of those depositions because</p> <p>17 you -- you were a fireman?</p> <p>18 A. In one particular case, yes, as a firefighter I was</p> <p>19 deposed involving an arson fire that I responded</p> <p>20 to. I was a lieutenant on engine company. The</p> <p>21 other cases would involve when I was a Hamilton</p> <p>22 County Sheriff Officer. Been numerous court</p> <p>23 appearances in reference to multiple types of court</p> <p>24 cases.</p> <p>25 Q. Were you a reserve officer?</p>	<p style="text-align: right;">Page 21</p> <p>1 produced to either Jim Zoccola or Thomas Jones?</p> <p>2 A. No. I have -- I have no records of anything that</p> <p>3 hasn't already been produced.</p> <p>4 Q. Okay. And so some of these things can be -- could</p> <p>5 be in the custody of Rimkus, like, on their</p> <p>6 computer files, correct?</p> <p>7 A. Possibly. I -- I have no knowledge of that at --</p> <p>8 at the present time.</p> <p>9 Q. Codefendant in this case, I'll call them Space-Ray</p> <p>10 for today, some time ago issued a subpoena duces</p> <p>11 tecum for production to Rimkus and they responded.</p> <p>12 Did you -- have you ever seen the so-called Rimkus</p> <p>13 file that was produced in response to Space-Ray's</p> <p>14 subpoena?</p> <p>15 A. No, I have not.</p> <p>16 MR. GARDNER: I'll tell you what, let's leave</p> <p>17 that one right here.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Have you ever been excluded as being an expert</p> <p>20 witness in any case?</p> <p>21 A. No, I have not.</p> <p>22 Q. What, if anything, did you review in preparation</p> <p>23 for today's deposition?</p> <p>24 A. I reviewed my reports. I've reviewed reports of --</p> <p>25 of Mike Vergon, Vergon and Associates. And I</p>



<p style="text-align: right;">Page 22</p> <p>1 reviewed report of, is it, Agosti? How do you --</p> <p>2 how do you pronounce his name?</p> <p>3 Q. Mike -- Mike Agosti.</p> <p>4 A. Mike Agosti.</p> <p>5 Q. This case is loaded with Mikes and Jims. So --</p> <p>6 A. Yes, it is.</p> <p>7 Q. -- you examined your December 2019 -- sorry, I</p> <p>8 think it's November 2019 and December 2022 reports?</p> <p>9 A. Yes.</p> <p>10 Q. And Mr. Mike Vergon's expert report and Mr. Michael</p> <p>11 Agosti's expert report. Anything else?</p> <p>12 A. And I've had meetings with my --</p> <p>13 Q. I'm just asking --</p> <p>14 A. -- counsel.</p> <p>15 Q. -- things you looked at, not about meetings.</p> <p>16 A. Oh, okay. No, I have not.</p> <p>17 Q. You did not examine any photographs in preparation</p> <p>18 for --</p> <p>19 A. Oh, yes. That would be part of our file, our</p> <p>20 reports.</p> <p>21 Q. When you say "our," who are you referring to?</p> <p>22 A. The file, the case file of the -- reference to this</p> <p>23 case that I have access to.</p> <p>24 Q. Okay. And when did you read your two expert</p> <p>25 reports --</p>	<p style="text-align: right;">Page 24</p> <p>1 A. -- other than --</p> <p>2 Q. I apologize. Do you remember looking at any</p> <p>3 photographs that had Bates stamps that began with</p> <p>4 the word "Republic"?</p> <p>5 A. Not to my knowledge, no.</p> <p>6 Q. Did you look at any photographs that were Bates</p> <p>7 stamped beginning with the word "Rimkus"?</p> <p>8 A. Just a Rimkus file of photos that I have. I'm not</p> <p>9 sure there -- there's nothing on the photograph</p> <p>10 that would indicate Rimkus. But -- to my</p> <p>11 knowledge.</p> <p>12 Q. And when did you look -- look at those in</p> <p>13 preparation for the deposition, the photographs,</p> <p>14 Mike? I'm -- Jim?</p> <p>15 A. I've had those -- those in my possession for</p> <p>16 probably a couple months. And off and on I would</p> <p>17 review some photographs and so forth when things</p> <p>18 would come up.</p> <p>19 Q. When -- these photographs that you reviewed that</p> <p>20 we're talking about, were you looking at them in a</p> <p>21 digital format, like on a computer, or printed?</p> <p>22 A. Digital format.</p> <p>23 Q. Okay. And did you bring those today?</p> <p>24 A. No, I did not.</p> <p>25 Q. Why not?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. It's been --</p> <p>2 Q. -- sorry, in preparation for the deposition?</p> <p>3 A. Over the last week.</p> <p>4 Q. And when did you read Mr. Mike Vergon's report in</p> <p>5 preparation for the deposition?</p> <p>6 A. Same -- same time --</p> <p>7 Q. Same holds --</p> <p>8 A. -- same -- same --</p> <p>9 Q. -- true for Mr. Agosti's?</p> <p>10 A. I received them both at the same time and reviewed</p> <p>11 them.</p> <p>12 Q. And that was during this past week?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And you said photographs. Were some of the</p> <p>15 those Bates stamped? You know what a Bates stamp</p> <p>16 looks like? Like, marked for reference, page</p> <p>17 numbers?</p> <p>18 A. They're all -- all the photographs I reviewed are</p> <p>19 the photographs that I have on the file that has</p> <p>20 been submitted to you, counsel, and have been</p> <p>21 submitted to your off -- to you as well.</p> <p>22 Q. Okay.</p> <p>23 A. I don't think any of them are date stamped that I</p> <p>24 know of --</p> <p>25 Q. Are these --</p>	<p style="text-align: right;">Page 25</p> <p>1 A. I didn't have any records to -- to bring. I don't</p> <p>2 have a computer to do something. And so I --</p> <p>3 they're all -- they're all been given to counsel.</p> <p>4 Q. Okay.</p> <p>5 MR. JONES: Yeah, Marty, everything has been</p> <p>6 produced that he's got --</p> <p>7 MR. GARDNER: Right.</p> <p>8 MR. JONES: -- to our knowledge. So</p> <p>9 everything responsive to the subpoena that you</p> <p>10 referenced earlier I think has already been</p> <p>11 produced.</p> <p>12 MR. GARDNER: Thanks.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Any other photographs you looked at besides the</p> <p>15 ones that you've had for months?</p> <p>16 A. The only other photographs is the photographs that</p> <p>17 were with -- that were attached to the reports of</p> <p>18 Vergon and Agosti.</p> <p>19 Q. Right. And the photographs -- setting those two</p> <p>20 aside, or setting the photographs in those other</p> <p>21 two reports aside, the photographs that you</p> <p>22 reviewed, so far as you know, were those all taken</p> <p>23 by you and/or some other Rimkus employee in the</p> <p>24 investigation of this case?</p> <p>25 A. Yeah. All of -- all photos that were taken by me</p>

<p style="text-align: right;">Page 26</p> <p>1 or by, I think, Lou -- I'm not sure how to</p> <p>2 pronounce his last name, but he's a mechanical</p> <p>3 engineer with Rimkus that was at the joint scene</p> <p>4 exam.</p> <p>5 Q. Inendino?</p> <p>6 A. Inendino, yes.</p> <p>7 Q. Anybody else?</p> <p>8 A. And also I had a video and photographs that were</p> <p>9 from the --</p> <p>10 Q. -- night of the fire?</p> <p>11 A. Yeah. The -- a pers -- one of the employees of</p> <p>12 the -- Republic Services.</p> <p>13 Q. And those videos and photos from an employee of</p> <p>14 Republic Services were taken the night of the fire,</p> <p>15 March 19th --</p> <p>16 A. Yes.</p> <p>17 Q. -- 2019?</p> <p>18 A. Yes, at the time of the fire.</p> <p>19 Q. Okay. Did any -- the photos that you reviewed in</p> <p>20 preparation for the deposition, you said you took</p> <p>21 some of them. Mr. Inendino, Lou Inendino, took</p> <p>22 some. Were any taken by a fella named John Diggle?</p> <p>23 A. I don't have his photos that -- to my knowledge.</p> <p>24 They may have come from Rimkus, if they were</p> <p>25 presented to you. But I don't have a copy of his</p>	<p style="text-align: right;">Page 28</p> <p>1 investigator subsequent to ending employment with</p> <p>2 Rimkus. How many total cases do you have currently</p> <p>3 pending, in -- including this one?</p> <p>4 A. The -- to my knowledge there's three cases that are</p> <p>5 still outstanding, I guess you could say.</p> <p>6 Q. And in that reference, Jim, are you talking about</p> <p>7 outstanding from -- from when you were with Rimkus?</p> <p>8 A. Yes.</p> <p>9 Q. And how many are you currently working on now that</p> <p>10 are different than the three that were outstanding</p> <p>11 from Rimkus?</p> <p>12 A. I'm not currently working on any other cases at</p> <p>13 this point on my own.</p> <p>14 Q. When's the last -- would be the last time you</p> <p>15 worked on an independent case that didn't flow over</p> <p>16 from your time with Rimkus?</p> <p>17 A. Again, it would be three weeks ago on Saturday.</p> <p>18 I -- I did a fire investigation in Evansville for</p> <p>19 Fire Forensics.</p> <p>20 Q. So that's a new case?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. That's a closed case now, however, so --</p> <p>24 Q. Okay. How long was it open for you?</p> <p>25 A. They just needed a second opinion, so I was asked</p>
<p style="text-align: right;">Page 27</p> <p>1 photos.</p> <p>2 Q. And do those photos include those taken at -- at</p> <p>3 the scene up -- up in -- on the facil -- the</p> <p>4 Republic facility on MacBeth Road in Fort Wayne?</p> <p>5 A. Yeah. There were multiple photographs taken at</p> <p>6 different times at that facility.</p> <p>7 Q. Over a thousand, right?</p> <p>8 A. I don't know the -- know the total count but</p> <p>9 probably close to that.</p> <p>10 Q. And other photos that you looked at were taken</p> <p>11 during a couple of examinations conducted -- I'll</p> <p>12 use the word "lab" -- at the Rimkus facility in</p> <p>13 Indianapolis?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have we covered all the things that you</p> <p>16 reviewed in preparation for the deposition?</p> <p>17 A. Yes. To my knowledge, yes.</p> <p>18 Q. Okay. So you didn't read any depositions in</p> <p>19 preparation for the dep -- this deposition.</p> <p>20 A. No. I have no acc -- I did not have any access to</p> <p>21 depositions.</p> <p>22 Q. Have you read any of the depositions taken by the</p> <p>23 attorneys in this case of any witnesses?</p> <p>24 A. I have not.</p> <p>25 Q. Let's circle back to your private work as a fire</p>	<p style="text-align: right;">Page 29</p> <p>1 to go to the location for a second opinion. And</p> <p>2 then once we were there, and I give a report to the</p> <p>3 insurance adjuster, then they ended up closing the</p> <p>4 file.</p> <p>5 Q. So your involvement for most recent case,</p> <p>6 independent of any case you ever had from Rimkus,</p> <p>7 was short lived.</p> <p>8 A. Yes.</p> <p>9 Q. Lasted less than a week --</p> <p>10 A. Yes.</p> <p>11 Q. -- your involvement? All right. Did you prepare a</p> <p>12 written report in that case where --</p> <p>13 A. That was not with Rimkus.</p> <p>14 Q. I understand.</p> <p>15 A. Okay.</p> <p>16 Q. Yeah. That -- that is the subject now, cases that</p> <p>17 you have worked on --</p> <p>18 A. Since --</p> <p>19 Q. -- since ending employment with Rimkus.</p> <p>20 A. Yes.</p> <p>21 Q. That's our subject.</p> <p>22 A. Right.</p> <p>23 Q. Did you issue a written report in that case?</p> <p>24 A. Yes, I did.</p> <p>25 Q. Was it a preliminary report, so to say?</p>



<p style="text-align: right;">Page 30</p> <p>1 A. Yes. It was just a short report and the findings.  2 Q. Of cause and origin?  3 A. Yes.  4 Q. Were you able to determine the origin?  5 A. Yes.  6 Q. And the cause?  7 A. Yes.  8 Q. Were you working -- were you hired by the  9 defendant?  10 A. We were hired by the insurance company representing  11 the homeowner. Or the insurance on the property, I  12 guess you could say.  13 Q. In other words, the insurance company might be  14 making or was making a claim.  15 A. Yes.  16 Q. Okay. Did you use the terminology or the word  17 "probable" in that report?  18 A. I don't think so with that. Didn't use any  19 terminology in regards to --  20 Q. Level of certainty?  21 A. -- probable or -- or level of certainty. Just let  22 them know what was found.  23 Q. What?  24 A. I just let them know what we found.  25 Q. So you didn't state your opinion in the short</p>	<p style="text-align: right;">Page 32</p> <p>1 swept, I guess you could say, and cleaned up. And  2 some of the information that was given that certain  3 items in that area had -- were not able to be  4 evaluated, had already been destroyed.  5 Q. Okay. So what would you -- be your best estimate  6 of the total number of cases you've taken since  7 ending employment with Rimkus as an independent  8 investigator?  9 A. I've only had two cases with this company in  10 Indianapolis -- or in Florida, rather. I'm sorry.  11 Q. So the answer to the question is two cases.  12 A. Two, yes.  13 Q. Your only source of cases since leaving Rimkus was  14 that of the Florida insurance company?  15 A. Yes. Other than the -- following up cases with --  16 that I've had with Rimkus.  17 Q. Right, okay. So I had earlier asked you what  18 depositions you read in preparation for today's  19 deposition. Have you ever read any depositions in  20 this case?  21 A. Not in this case I have not.  22 Q. Okay. So I'm going to give a list. And you just  23 let me know if I say a name, and you think you did  24 read the dep. All right? You haven't read Terry  25 Reader's deposition?</p>
<p style="text-align: right;">Page 31</p> <p>1 report prepared within the last three weeks for  2 that insurance company for the homeowner to any  3 degree of scientific certainty or fire investigator  4 certainty, right?  5 A. I give them opinion of the -- what I determined at  6 the time I had looked at the fire scene and also  7 spoke with the fire investigator. And there was --  8 the scene had been disturbed. So it made it  9 difficult to determine exactly what transpired and  10 only what witnesses said.  11 So I give them a -- and what the fire  12 department investigators told me. So I just  13 relayed information of what I had -- I had to  14 determine by witness statements. And I gave no  15 official opinion on which one of those three  16 determinations that they had or that three  17 potential issues that were given. And left it at  18 that.  19 Q. The scene in this case was a home -- a home?  20 A. Yes.  21 Q. And residential --  22 A. Yes.  23 Q. -- dwelling? Okay. In what way was it disturbed?  24 A. There had been prior investigations done at the  25 site. And the area of origin had already been</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Not to my knowledge. I don't recognize the name.  2 Q. You don't know who Terry Reader is?  3 A. No, I do not.  4 Q. And you'll concede his name does not appear in any  5 of your reports?  6 A. Yes.  7 Q. You'll concede his name does not appear in any  8 field notes in this case?  9 A. Yes.  10 Q. And you have no idea what his role was as a  11 Republic employee?  12 A. No, I do not know.  13 Q. And you don't know anything he said in his  14 deposition.  15 A. No.  16 Q. Mr. John Shadow. You've met with him, right? That  17 name sound familiar?  18 A. The name sounds familiar. But I don't -- I did not  19 read anything as for as his deposition is  20 concerned.  21 Q. All right. So you don't know the contents of his  22 deposition at all, right?  23 A. No.  24 Q. Is it true that neither you nor any employee of  25 Rimkus ever obtained a video or electronically --</p>

<p style="text-align: right;">Page 34</p> <p>1 electronically recorded statement of Terry Reader?</p> <p>2 A. That would be true, to my knowledge.</p> <p>3 Q. Is it true that neither you nor any employee of</p> <p>4 Rimkus, or anyone else that you're aware of, not</p> <p>5 including depositions, ever took a video or</p> <p>6 electronically recorded statement of Terry Reader</p> <p>7 or John Shadow or Fred Jones or Greg Toling or</p> <p>8 Trevor Miller or Dan Kelly or Charles Golden or Ron</p> <p>9 Danzer or Michael Sharefield or Scott Kleinight?</p> <p>10 Is that all true?</p> <p>11 MR. JONES: Objection to form --</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. JONES: -- compound.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. There's been some discussions in this case amongst</p> <p>16 the lawyers concerning the topic of field notes.</p> <p>17 And we have been given, I don't know, seven or nine</p> <p>18 pages of field notes in this case. Have you seen</p> <p>19 those?</p> <p>20 A. I saw field notes, I think, of -- that was of --</p> <p>21 Lou, I believe, had some field notes. And John</p> <p>22 Diggle had some field notes, I believe. I did see</p> <p>23 those.</p> <p>24 Q. All right. Those are Exhibit D, 1 through 7. None</p> <p>25 of those are in your handwriting?</p>	<p style="text-align: right;">Page 36</p> <p>1 make any electronic recordings of any kind?</p> <p>2 A. No, I did not.</p> <p>3 Q. And I'm setting aside photos, right?</p> <p>4 A. Well, other than, yeah, the digital photos, yes.</p> <p>5 Q. Okay. You made no video ever, did you?</p> <p>6 A. No.</p> <p>7 Q. In the two cases that you've worked on since</p> <p>8 leaving Rimkus, have you also destroyed your field</p> <p>9 notes?</p> <p>10 A. I -- no, I have not.</p> <p>11 Q. Has it been your custom and practice in the</p> <p>12 preparation of over 1400 cause-and-origin reports</p> <p>13 to discard your field notes before your</p> <p>14 deposition's taken?</p> <p>15 MR. JONES: Objection to form, foundation.</p> <p>16 MR. GARDNER: I'll change the question.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. Has it been your custom and practice, Jim, during</p> <p>19 your career as a cause-and-origin investigator,</p> <p>20 which started about 2000, what, 14?</p> <p>21 A. No. It started in 19 --</p> <p>22 Q. Eight --</p> <p>23 A. -- in --</p> <p>24 Q. -- '18?</p> <p>25 A. -- 1979.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. No.</p> <p>2 Q. Did you ever create field notes or handwritten</p> <p>3 notes of any kind during your -- during your</p> <p>4 investigation of this case, you?</p> <p>5 A. There are -- at the time I was at the site, I know</p> <p>6 I -- there was handwritten information that -- that</p> <p>7 I was taking at the time. Those are all have --</p> <p>8 all were -- would have been part of the Rimkus</p> <p>9 file. And once they complete a report, most of</p> <p>10 the -- those notes are not part of the record</p> <p>11 anymore. And they're -- they're thrown -- they</p> <p>12 discard them or shred them.</p> <p>13 That is not from -- from me; that is from</p> <p>14 Rimkus' standpoint.</p> <p>15 Q. And why weren't the handwritten notes of Lou</p> <p>16 Inendino and John Diggle destroyed?</p> <p>17 A. I don't know for sure about that. Because I -- I'm</p> <p>18 sure that they probably put those into -- to the</p> <p>19 file themselves. I don't have any information</p> <p>20 about that on why they were maintained. Other than</p> <p>21 the fact I -- I did the written report. And</p> <p>22 they -- their reports, they didn't make any written</p> <p>23 reports. So they could have kept those on so they</p> <p>24 would have some record of their involvement.</p> <p>25 Q. During your investigation of this case, did you</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Oh. Okay.</p> <p>2 A. As for as cause and origin --</p> <p>3 Q. Right.</p> <p>4 A. -- investigations.</p> <p>5 Q. Are you saying that since 1979 you have been</p> <p>6 preparing cause-and-origin reports?</p> <p>7 A. Yes.</p> <p>8 Q. And that's why you've prepared over 1400, right?</p> <p>9 A. Yes. It's -- it's actually more than that now.</p> <p>10 But that's just at the -- hasn't been updated in</p> <p>11 the --</p> <p>12 Q. Right.</p> <p>13 A. -- the CV yet. So --</p> <p>14 Q. We have your CV --</p> <p>15 MR. HEHNER: Are you gonna finish that other</p> <p>16 question?</p> <p>17 MR. GARDNER: I've got thousands of other</p> <p>18 questions.</p> <p>19 MR. HEHNER: Well, the one -- the one about</p> <p>20 whether it's his practice to destroy.</p> <p>21 MR. GARDNER: Yeah. I'm on -- I'm still on</p> <p>22 that, right.</p> <p>23 MR. HEHNER: Okay. I'm sorry.</p> <p>24 MR. GARDNER: Okay.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. So in what percentage of cases you've been involved</p> <p>2 in as a cause and in -- origin investigator have</p> <p>3 you destroyed your field notes before the case</p> <p>4 closed?</p> <p>5 MR. JONES: Objection to form. I think that</p> <p>6 misstates his prior testimony.</p> <p>7 MR. GARDNER: I'll ask it a different way.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Has it always been the case that you've preserved</p> <p>10 your field notes in cases, except for when Rimkus</p> <p>11 destroys them?</p> <p>12 MR. JONES: Objection to the form.</p> <p>13 THE WITNESS: If it was my case in, like, the</p> <p>14 fire department or through my personal -- like, the</p> <p>15 last couple cases I've had, I would -- I would keep</p> <p>16 field notes personally.</p> <p>17 But Rimkus had a policy that I was not</p> <p>18 allowed, as an investigator, to keep personal</p> <p>19 information and personal files, things of that</p> <p>20 nature. So they -- they would all have been turned</p> <p>21 over to Rimkus at the time.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. When did you first learn, during your employment</p> <p>24 with Rimkus that started in 2018, that your field</p> <p>25 notes would be destroyed if you gave them to</p>	<p style="text-align: right;">Page 40</p> <p>1 have been destroyed. I -- I think once I -- once I</p> <p>2 produced a written report, I was informed that they</p> <p>3 would -- there would be no -- those were all turned</p> <p>4 in to Rimkus. And then once I do a written report,</p> <p>5 then they would have destroyed any type of --</p> <p>6 Q. What --</p> <p>7 A. -- handwritten notes.</p> <p>8 Q. Did Rimkus destroy any other evidence in this case</p> <p>9 besides your handwritten notes?</p> <p>10 MR. JONES: Objection to form, foundation.</p> <p>11 THE WITNESS: Not to my knowledge. I don't --</p> <p>12 I don't think so.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. So it's your understanding Rimkus has preserved all</p> <p>15 evidence in this case in connection with the</p> <p>16 investigation of this fire with the exception of</p> <p>17 your field notes.</p> <p>18 MR. JONES: Objection to form, foundation.</p> <p>19 THE WITNESS: I don't know that for a fact.</p> <p>20 But I would assume they would have the file. And</p> <p>21 whatever they've kept in the file is their -- what</p> <p>22 they've decided to keep in the file. I have not</p> <p>23 been there for several years. So ...</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. What dates did you prepare field notes in</p>
<p style="text-align: right;">Page 39</p> <p>1 Rimkus?</p> <p>2 A. Initially they -- they did not. But there -- I</p> <p>3 guess, apparently, at some point -- some -- at some</p> <p>4 point during the process, they elected not to keep</p> <p>5 all the information on file. I -- I was instructed</p> <p>6 at the time that they would be des -- destroying</p> <p>7 any handwritten files, and they would keep</p> <p>8 electronic files in place.</p> <p>9 Q. Except for those by Lou Inendino and Fred -- I'm</p> <p>10 sorry -- Mr. Diggle, John Diggle?</p> <p>11 A. I -- I have no clue of why those are still there,</p> <p>12 for -- for example. Unless they requested them</p> <p>13 personally to be kept so that they would have some</p> <p>14 information and knowledge that they were there,</p> <p>15 since they were, you know, compensated by the</p> <p>16 insurance company to be there.</p> <p>17 Q. Your first report is dated December 3rd, 2019,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And your second report is dated November 18th,</p> <p>21 2022, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Were your field notes destroyed by Rimkus before</p> <p>24 December 3rd, 2019 or after?</p> <p>25 A. I am not sure of the exact date where they would</p>	<p style="text-align: right;">Page 41</p> <p>1 connection with your investigation of this case?</p> <p>2 A. From the very first day I was there.</p> <p>3 Q. And do you keep them in a -- some sort of a binder?</p> <p>4 How do you do it?</p> <p>5 A. I have a file folder that the front of the file</p> <p>6 gives the information about the -- my -- my case.</p> <p>7 And I put the requested information in there. And</p> <p>8 I also then make notes on that, time stamped when I</p> <p>9 was at the site and when I was -- and who I spoke</p> <p>10 to, who to contact, things of that nature. So I</p> <p>11 have all that information readily available.</p> <p>12 Q. I'm really not tracking with you here. I'm not</p> <p>13 asking if you had a file folder, but I am asking</p> <p>14 you about field notes. I mean, did you take them</p> <p>15 on a legal pad? How did you -- how did you take</p> <p>16 your field notes in this case?</p> <p>17 A. No. There's a file folder that I have that has --</p> <p>18 basically the front of it has information -- had</p> <p>19 information about the -- the case.</p> <p>20 Q. Like the basic --</p> <p>21 A. -- location, all the basic information. And then</p> <p>22 it had sections lined off that had, like, the dates</p> <p>23 and times. And I would write the date, time, and I</p> <p>24 could note out to the side any -- those are just</p> <p>25 general notes.</p>

<p style="text-align: right;">Page 42</p> <p>1 And then on the back side of that I would 2 draw, like, a diagram, maybe, of the facility, 3 things of that nature, and then transfer those over 4 to another diagram at a later date and -- on a 5 computer system. And then I would obviously use 6 those notes to -- to make my report. 7 And then it would be a folder. So if there 8 was any other information I obtained, like a copy 9 of the fire report, things of that nature, other 10 information, I would go into that folder, file 11 folder. If I did a re -- speak to someone, I would 12 make notes on usually a notepad of some kind, 13 usually a legal pad. 14 Q. You're talking, like, if you were to speak with a 15 -- an eyewitness, witness, or an employee of 16 Rimkus [sic], you would put notes on a notepad. 17 Would you -- 18 A. Well, the employee of Republic, you mean? Is that 19 who you're -- 20 Q. Did I say -- 21 A. -- referring to? 22 Q. -- Rimkus? I meant Republic; I apologize. 23 A. Yeah, I -- yes. I would have made notes on there 24 who I -- who I spoke to, if they would give me that 25 information. A couple people in this particular</p>	<p style="text-align: right;">Page 44</p> <p>1 THE WITNESS: Samir? 2 MR. GARDNER: And you -- 3 MR. JONES: Or -- 4 QUESTIONS BY MR. GARDNER: 5 Q. You weren't at the facility the day of the fire 6 March 19th, 20 -- you were there March 20th. 7 A. Well, yes, the 20th, yes. The day of the fire 8 was -- it was 11:00 at night. So it actually 9 continued -- initially I was told by the fire 10 department it was the 20th because of the fact that 11 the initial -- it carried over way into the -- to 12 that morning. So ... 13 Q. Would you -- would this comport with your memory, 14 that the fire was reported to the local fire 15 department somewhere between 11:00 p.m. and 16 midnight on March 19th, 2019? 17 A. It was 11:01 -- or 3, I believe, is the -- 18 Q. Good job. And then they were there suppressing the 19 fire for about six hours until about five in the 20 morning -- 21 A. Yes. 22 Q. -- on the 20th of March, right? 23 A. Yes. 24 Q. Okay. And Thomas has helped us in connection with 25 a -- a witness who you spoke with the day after the</p>
<p style="text-align: right;">Page 43</p> <p>1 case would not -- did not want their name to be 2 available because they were -- they were not 3 employees that were probably able to give that 4 information out for -- 5 Q. I am not tracking that at all. Are you telling me 6 that you spoke with some Rimkus, sorry, Re -- 7 Republic employees who told you they didn't want 8 their names in the file? 9 A. Yes. 10 Q. How many? 11 A. Two. 12 Q. Do you remember who they are today? 13 A. I don't recall their names. And I wasn't given 14 their name. 'Cause they -- at the time I was 15 there, the day of the -- of the fire, they -- they 16 did give me the information that they were there at 17 the night of the fire. Actually, one of them even 18 give me a video of the -- prior to the fire 19 department arrival. But I don't know the -- know 20 the name of the person. 21 Q. Can you describe -- I'm sorry. 22 A. Kind of a -- a short guy with glasses. I'm not 23 sure what his -- 24 MR. JONES: I think you're talking about 25 Samir.</p>	<p style="text-align: right;">Page 45</p> <p>1 fire at the scene up there in Fort Wayne as being 2 Samir -- I'm gonna probably mispronounce his last 3 name -- Dizdarevic, D-i-z-d-a-r-e-v-i-c. 4 You believe you spoke to him the day after the 5 fire. 6 A. Yes. 7 Q. Okay. I think his deposition is the only one I did 8 not attend in this case, so I -- I don't know what 9 he looks like. Could you -- I -- I know you 10 started to give a physical description and I turned 11 my back. What was your physical description? 12 MR. HEHNER: Swallow it. 13 THE WITNESS: I knew he was a really short guy 14 with glasses, probably in his 50s. I don't know -- 15 I knew he was not of US heritage, I guess you could 16 say. He looked like an -- 17 QUESTIONS BY MR. GARDNER: 18 Q. He looked something like me? 19 A. -- Indian -- Indian heritage, in that nature, is 20 all I know of. 21 Q. What time did you meet with him on March 20th, 22 2019? 23 A. I was actually there about 3:00 in the afternoon. 24 We were contacted around 1:00 in -- in reference to 25 the fire loss. And they said they wanted somebody</p>

<p style="text-align: right;">Page 46</p> <p>1 there as soon as possible. So I left as soon as I</p> <p>2 got the fire call or the fire information and a</p> <p>3 location and went to the site. It's about an hour</p> <p>4 and a half away from our office.</p> <p>5 Q. And you were let through a guard -- like a guard</p> <p>6 gate of some sort?</p> <p>7 A. Yeah. There was no one at the guard gate, but</p> <p>8 there -- there is a guard gate there.</p> <p>9 Q. So my question is: What time did you speak with</p> <p>10 Samir?</p> <p>11 A. I -- I initially went to the office. I'm not sure</p> <p>12 exact time I spoke with him. But it was roughly</p> <p>13 around 4:00 in the afternoon.</p> <p>14 Q. And where did you speak with Samir?</p> <p>15 A. Right outside of the building where the loss</p> <p>16 occurred, near the gas pumps.</p> <p>17 Q. What gas pumps?</p> <p>18 A. Right -- right in by the building itself there's</p> <p>19 gas pumps where they fill the -- the garbage</p> <p>20 trucks.</p> <p>21 Q. There's a lot of buildings at the -- at the site in</p> <p>22 this case. Can you be more specific, which</p> <p>23 building?</p> <p>24 A. The fire building --</p> <p>25 Q. The building --</p>	<p style="text-align: right;">Page 48</p> <p>1 A. There's the gas pumps right here.</p> <p>2 Q. All right. And is that the only area you ever were</p> <p>3 with Samir, speaking with Samir about this fire?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Can you put a circle around that area and</p> <p>6 put the initial S in it. And then we'll show it up</p> <p>7 to the camera.</p> <p>8 A. Okay.</p> <p>9 Q. I need you to hold it up to the camera.</p> <p>10 A. Oh.</p> <p>11 Q. So on -- on Ex -- on Exhibit Z, Page 3, you have</p> <p>12 made a circle with an S in it as to where you and</p> <p>13 Samir were standing at approximately 4:00 p.m. on</p> <p>14 March 20th, 2019, right?</p> <p>15 A. Yes.</p> <p>16 Q. Anybody else around?</p> <p>17 A. Not to my knowledge, there wasn't anyone else</p> <p>18 standing there at the time.</p> <p>19 Q. Is that my pen? Yeah, thanks. And how long did</p> <p>20 you speak with Samir?</p> <p>21 A. Maybe five to ten minutes.</p> <p>22 Q. And did you take notes of what he told you?</p> <p>23 A. No, I did not. I had just gotten out of my</p> <p>24 vehicle. And he was standing there, and I spoke to</p> <p>25 him. And my comment to him was -- I asked him if</p>
<p style="text-align: right;">Page 47</p> <p>1 A. -- that the fire was -- was that the fire occurred</p> <p>2 in.</p> <p>3 Q. Okay.</p> <p>4 A. The pumps are directly across the -- the aisle from</p> <p>5 that. And then he -- we were standing on the --</p> <p>6 would have -- would have been the east side of the</p> <p>7 pumps.</p> <p>8 MR. GARDNER: Pull up Exhibit Z. Thanks, Ben.</p> <p>9 Jim, up on the screen, one of the attorneys in</p> <p>10 this case for Space-Ray has displayed a -- an</p> <p>11 image. I'm gonna hand it to you unless, I think,</p> <p>12 Thomas might be --</p> <p>13 MR. JONES: Page 3?</p> <p>14 MR. GARDNER: He can mark on this one.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Before you mark on it, Jim, does that photograph --</p> <p>17 would that photograph help you tell us where you</p> <p>18 were standing, talking to Samir --</p> <p>19 A. Yes.</p> <p>20 Q. -- the day after the fire?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And can you point -- for right now just point for</p> <p>23 me.</p> <p>24 A. About right in this area right here.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 49</p> <p>1 he was -- he -- he made a comment about the -- the</p> <p>2 fire and asked me if I was there for that. And I</p> <p>3 said yes. And I said, Were you here the day of the</p> <p>4 fire? Just to start up conversation. And he said,</p> <p>5 Yes, I was. He said, I actually took pictures.</p> <p>6 Q. And he gave you the pictures?</p> <p>7 A. Yes. And a vid --</p> <p>8 Q. You've --</p> <p>9 A. -- and a video of the --</p> <p>10 Q. Okay. You've seen reference to the -- his photo in</p> <p>11 both Mr. Agosti's and Mr. Vergon's reports, haven't</p> <p>12 you?</p> <p>13 A. Yes.</p> <p>14 Q. That's the last time you ever talked to Samir in</p> <p>15 connection with this case, right?</p> <p>16 A. Yes.</p> <p>17 Q. And you didn't audio record that conversation?</p> <p>18 A. No, I did not.</p> <p>19 Q. You didn't videotape it?</p> <p>20 A. No.</p> <p>21 Q. You took no notes.</p> <p>22 A. No.</p> <p>23 Q. You obtained no handwritten statement from him.</p> <p>24 A. No, he -- his comment to me at the time is he</p> <p>25 didn't know for sure if he should be saying</p>

<p style="text-align: right;">Page 50</p> <p>1 anything because he was not really officially able</p> <p>2 to say anything. So I -- he asked me not to --</p> <p>3 that he -- he actually didn't give me his name. I</p> <p>4 just -- he didn't want to --</p> <p>5 Q. You --</p> <p>6 A. -- he didn't want to --</p> <p>7 Q. -- coincidentally ran into guy who took a photo and</p> <p>8 video of the fire when you first arrived at the</p> <p>9 scene?</p> <p>10 A. Right. Correct.</p> <p>11 Q. Was he the first person you spoke to when you</p> <p>12 arrived at the MacBeth facility that day around --</p> <p>13 A. No, I --</p> <p>14 Q. -- 4:00, 3:00?</p> <p>15 A. No, I did not. I spoke to Kyle Orr, I think's his</p> <p>16 last name, I believe.</p> <p>17 Q. And where -- where did you speak to Kyle Orr at?</p> <p>18 A. In the office. I went to the office.</p> <p>19 Q. Is the office you're referring to shown on the</p> <p>20 Exhibit Z, Page 3? Probably isn't.</p> <p>21 A. It doesn't appear to be on here. But I -- I know</p> <p>22 as you come in, you -- I think it's on -- on the</p> <p>23 other side of this, right side of the screen over</p> <p>24 in here somewhere.</p> <p>25 Q. Okay. That's where you went first when you --</p>	<p style="text-align: right;">Page 52</p> <p>1 A. The burn -- the -- the burned building, yes.</p> <p>2 Q. Right. Which is shown on the left side of</p> <p>3 Exhibit Z, Page 3, correct?</p> <p>4 A. Yes.</p> <p>5 Q. You guys get up pretty close to it?</p> <p>6 A. We were fairly close.</p> <p>7 Q. Did you speak with anybody else that day at the</p> <p>8 Republic facility besides Samir, Kyle Orr, and Fred</p> <p>9 Jones?</p> <p>10 A. I can't recall anyone at the present time.</p> <p>11 Q. Okay. And I think you said you arrived about</p> <p>12 three -- 3:00 p.m. on March 20th, 2019? What</p> <p>13 time --</p> <p>14 A. Yes.</p> <p>15 Q. -- did you leave?</p> <p>16 A. Yes, I -- I probably --</p> <p>17 Q. What time did you leave?</p> <p>18 A. -- leave -- I -- I would say probably around 5:00</p> <p>19 in the evening. Was there for --</p> <p>20 Q. Drove back to --</p> <p>21 A. -- a couple hours.</p> <p>22 Q. Okay. Did you audio or video record your</p> <p>23 statements of either Kyle Orr or Fred Jones?</p> <p>24 A. No.</p> <p>25 Q. Did you obtain handwritten statements from either</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. -- arrived? All right. And so about what time did</p> <p>3 you talk to -- meet Kyle?</p> <p>4 A. Kyle was the name of the person I was given as a</p> <p>5 contact. So that -- I went to the office; I asked</p> <p>6 for Kyle.</p> <p>7 Q. I said -- my question is: What time?</p> <p>8 A. That would have been at around 3:00 in the</p> <p>9 afternoon.</p> <p>10 Q. How long did you speak with Kyle Orr on March 20th,</p> <p>11 2019 at the MacBeth facility?</p> <p>12 A. Probably no more than ten minutes.</p> <p>13 Q. Had you ever spoken to him before?</p> <p>14 A. On the phone I had, yes.</p> <p>15 Q. Okay. Did you speak with anyone else that day</p> <p>16 besides Kyle Orr and Samir at the scene?</p> <p>17 A. I spoke to -- I believe it would have been Fred</p> <p>18 Jones, is it? I think that's his -- the manager of</p> <p>19 the -- of the facility.</p> <p>20 Q. Did you speak with him in the same office you spoke</p> <p>21 with Kyle Orr?</p> <p>22 A. No. I actually spoke to him at a later time that</p> <p>23 day, right out in front of the building itself.</p> <p>24 Q. That's a little vague. You mean the building that</p> <p>25 burned?</p>	<p style="text-align: right;">Page 53</p> <p>1 Kyle Orr or Fred Jones --</p> <p>2 A. No, I did not.</p> <p>3 Q. -- that day or any other day?</p> <p>4 A. No.</p> <p>5 Q. And did anyone from Rimkus, besides you, do such a</p> <p>6 thing?</p> <p>7 A. No.</p> <p>8 Q. How long did you talk to Kyle Orr on March 20,</p> <p>9 2019?</p> <p>10 A. I told you I was with him for about ten minutes.</p> <p>11 Q. Thank you. Did you take field notes of what he</p> <p>12 told you?</p> <p>13 A. I wrote down informa -- general information, like</p> <p>14 the address and just -- and time of fire, who</p> <p>15 responded, things like that, and when he was</p> <p>16 notified about the fire, for example --</p> <p>17 Q. Had you obtained --</p> <p>18 A. -- and what he knew --</p> <p>19 Q. Go ahead.</p> <p>20 A. -- and what information he knew about the fire.</p> <p>21 Q. Okay. So what do you remember him telling you,</p> <p>22 March 20th, 2019?</p> <p>23 A. He was not physically present at the site at the</p> <p>24 time, but he was notified of the fire. I think</p> <p>25 there -- I -- he give me a -- a person's name that</p>



<p style="text-align: right;">Page 54</p> <p>1 called him and informed him of the fire. I think</p> <p>2 it was one of the managers there at the facility.</p> <p>3 And I don't recall too much more of a</p> <p>4 conversation with him, other than the fact that he</p> <p>5 was the manager of the facility and that -- and</p> <p>6 told me basically what they did in that particular</p> <p>7 building that the fire originated in.</p> <p>8 Q. And what did he tell you about that? What they did</p> <p>9 in that particular building where the --</p> <p>10 A. Well, the building is a long building that has</p> <p>11 several -- they do several things within that</p> <p>12 building. The one --</p> <p>13 Q. Like what?</p> <p>14 A. -- the north end of the building is -- is -- was</p> <p>15 basically used as a large dumpster repair. The</p> <p>16 center part of the --</p> <p>17 Q. I'm gonna pause you for just a second. I</p> <p>18 apologize. This will help us.</p> <p>19 MR. GARDNER: Ben, can you pull up Z, Page 2.</p> <p>20 Okay. I'm gonna hand you what we have</p> <p>21 previously identified, I think yesterday and during</p> <p>22 a lot of other depositions.</p> <p>23 THE WITNESS: Uh-huh.</p> <p>24 MR. GARDNER: But today it's marked Exhibit Z,</p> <p>25 Page 2. And as we -- you do your deposition today,</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Right. So in terms of the orientation of the</p> <p>2 photograph, two orange clad buildings, 3 and 4,</p> <p>3 those are -- that's the north end --</p> <p>4 A. Yes --</p> <p>5 Q. -- you understand?</p> <p>6 A. -- right, number 3 and number 4.</p> <p>7 Q. And the far left building, number 1, has a -- a</p> <p>8 white door on the most extreme south side and then</p> <p>9 two sort of bluish doors. See those?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So Kyle Orr told you about op -- operations</p> <p>12 again in 3 and 4 unit --</p> <p>13 A. Right.</p> <p>14 Q. -- buildings 3 and 4. And you've answered</p> <p>15 question, right?</p> <p>16 A. Right.</p> <p>17 Q. Okay.</p> <p>18 A. And then -- and Section 2 was a -- kind of an</p> <p>19 employee area where they had, like, employee --</p> <p>20 Q. Offices?</p> <p>21 A. -- offices and lockers, things of that nature. And</p> <p>22 also they -- there was a section in there where</p> <p>23 drivers kept their laptops and things like that</p> <p>24 they had for their computers in their trucks.</p> <p>25 And --</p>
<p style="text-align: right;">Page 55</p> <p>1 we'll be referencing that -- those structures.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. And you recognize the -- so that's a Googler [sic]</p> <p>4 photo taken prior to the fire, correct?</p> <p>5 A. Yes --</p> <p>6 Q. All right.</p> <p>7 A. -- uh-huh.</p> <p>8 Q. And so you see the numbers starting from left to</p> <p>9 right, 1, 2, 3 and 4?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So you -- we were talking about what Kyle</p> <p>12 Orr told you that you remember from your</p> <p>13 conversation with him --</p> <p>14 A. Right.</p> <p>15 Q. -- December 20th, 2019. So continue with your</p> <p>16 answer about what activities they were doing in</p> <p>17 these buildings, and make reference to the</p> <p>18 buildings as you do so, numbers.</p> <p>19 A. He was -- he told me that -- I didn't have the</p> <p>20 separation of the building. He just told me that</p> <p>21 the north end, they did heavy work on large</p> <p>22 dumpsters, things of that nature, repair work. And</p> <p>23 then -- and on trucks and stuff like that.</p> <p>24 Q. So then the --</p> <p>25 A. Mechanical facility basically.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. What did he tell you --</p> <p>2 A. -- that's where they would clock in and out and</p> <p>3 things of that nature.</p> <p>4 Q. And skip building 2 --</p> <p>5 MR. JONES: If you could let him finish his</p> <p>6 answer.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. GARDNER: Yeah. So -- yeah, if I ask you</p> <p>9 about one of the moons of Pluto, I -- we don't need</p> <p>10 to talk about all the moons of Pluto. And then we</p> <p>11 have a lot to get through today. So I'm going</p> <p>12 to --</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. GARDNER: -- take you off of what he told</p> <p>15 you about building 2 and just ask you specifically,</p> <p>16 and I apologize I didn't previously.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. What did Kyle Orr tell you in the about ten minutes</p> <p>19 you spoke with him at the premises on December --</p> <p>20 I'm sorry -- November 20th, 2019 about the</p> <p>21 operations in building number 1?</p> <p>22 A. He told me that building number 1 was a -- a repair</p> <p>23 shop for dumpsters; that they would bring dumpsters</p> <p>24 in, sand them down, repaint them or re -- do minor</p> <p>25 repairs. Like, if a panel would be off, they would</p>

<p style="text-align: right;">Page 58</p> <p>1 repair that panel and then repaint them, things of</p> <p>2 that nature.</p> <p>3 And they had been doing that in this facility,</p> <p>4 I believe, for approximately five to six years.</p> <p>5 And that's where the fire -- in that section of the</p> <p>6 building, the Section 1, was where the fire</p> <p>7 originated at.</p> <p>8 Q. Kyle Orr told you that?</p> <p>9 A. That's -- well, he told me that's where the biggest</p> <p>10 part of the damage was at, yes.</p> <p>11 Q. All right. So in terms of the minor repairs, can</p> <p>12 you give me any details of what Mr. Orr was telling</p> <p>13 you about?</p> <p>14 A. What they usually did in that building, as I</p> <p>15 already offered. And that was where they did minor</p> <p>16 repairs on dumpsters. And then they also did</p> <p>17 painting in that -- that area --</p> <p>18 Q. Did he --</p> <p>19 A. -- for --</p> <p>20 Q. -- did he tell you that they had used or sometimes</p> <p>21 used welding machines inside of building number 1?</p> <p>22 A. Yes. He said occasionally -- that's where they</p> <p>23 repair the panels. They sometimes would have to</p> <p>24 weld a new panel onto a -- a dumpster.</p> <p>25 Q. A panel made of steel.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No, I have not.</p> <p>2 Q. So so far as you know, when you made your two</p> <p>3 reports in this case, you moved from the</p> <p>4 presumption that acetylene torches had not been</p> <p>5 used inside of building number 1 at any time on</p> <p>6 March 19th, 2019, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What about plasma cutters? Did Kyle Orr mention to</p> <p>9 you the use of plasma cutters?</p> <p>10 A. No, sir.</p> <p>11 Q. So as far as you know, no one had operated a plasma</p> <p>12 cutter inside of building number 1 on March 19th,</p> <p>13 2019, before the fire.</p> <p>14 A. No, sir.</p> <p>15 Q. And do you know con -- who conducted any -- sorry.</p> <p>16 Do you know if any welding was conducted on</p> <p>17 March 9 -- 19th, 2019?</p> <p>18 A. Yes. I was told that there was some welding that</p> <p>19 occurred early in the morning of the 19th and that</p> <p>20 they -- and he thought that the welding was all --</p> <p>21 was pretty much completed by the early morning.</p> <p>22 Like, between eight and 10:00 is what I was told.</p> <p>23 Q. And who was doing the welding?</p> <p>24 A. The -- one of the workers in the --</p> <p>25 Q. I'm asking for the name.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes.</p> <p>2 Q. And so before re -- welding it on -- by the way,</p> <p>3 did he tell you it was a MIG welding or TIG welding</p> <p>4 or what kind of --</p> <p>5 A. No, he didn't say what type.</p> <p>6 Q. Did you ever figure it out during your</p> <p>7 investigation?</p> <p>8 A. No. I did not know.</p> <p>9 Q. Did you photograph any MIG or TIG welding units in</p> <p>10 the fire debris rubble of building number 1 on any</p> <p>11 occasion?</p> <p>12 A. I believe I have photographs of a welding unit</p> <p>13 that's in -- in my photographs.</p> <p>14 Q. Inside the fire debris.</p> <p>15 A. Right.</p> <p>16 Q. Okay. And did Kyle Orr tell you December -- I'm</p> <p>17 sorry -- November 20th of 2019 that they also used</p> <p>18 acetylene torches inside of building number 1 in</p> <p>19 terms of repairing dumpsters?</p> <p>20 A. Occasionally they would have to. They -- they said</p> <p>21 that the acetylene, the torches, they had not used</p> <p>22 them that particular day, however, is what he told</p> <p>23 me.</p> <p>24 Q. Have you ever read any -- heard or read or learned</p> <p>25 anything in the case to the contrary of that?</p>	<p style="text-align: right;">Page 61</p> <p>1 A. -- shop. I don't know.</p> <p>2 Q. Did he identify this person when you met with him</p> <p>3 the day after the fire?</p> <p>4 A. No, he did not.</p> <p>5 Q. Did you ask who it was?</p> <p>6 A. At the time I did not ask, only because of the fact</p> <p>7 that by looking at the -- or realizing what was</p> <p>8 occurring here, I -- we were going to have to come</p> <p>9 back to this fire scene and --</p> <p>10 Q. You'd have to --</p> <p>11 A. -- do the investigation. Because I --</p> <p>12 Q. Go ahead.</p> <p>13 A. -- it was too large of a scene to -- to do an</p> <p>14 investigation like they -- they wanted me to come</p> <p>15 up there, do an investigation that evening. And so</p> <p>16 it's too late at this point in time to really --</p> <p>17 due to the large scene that --</p> <p>18 Q. And that's what stopped you -- that's what stopped</p> <p>19 you from getting the name of the fellow that did</p> <p>20 the welding on the day of the fire?</p> <p>21 A. Well, I -- I would've assumed that I would be able</p> <p>22 to get that information later on down the line,</p> <p>23 yes.</p> <p>24 Q. You didn't though, did you?</p> <p>25 A. I did not get it, no.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. Ever.</p> <p>2 A. No.</p> <p>3 Q. Wouldn't it have been important to obtain</p> <p>4 information from the fellow working and doing</p> <p>5 welding inside of building number 1 on March 19th,</p> <p>6 2019 before the fire started?</p> <p>7 MR. JONES: Objection to form.</p> <p>8 THE WITNESS: There -- there's a lot of</p> <p>9 information that would have been nice to have</p> <p>10 obtained at that point. However, due to the -- to</p> <p>11 the time nature and due to the aspect of we're</p> <p>12 gonna come back to this scene, then I was going to</p> <p>13 try to catch up -- to have these people available</p> <p>14 to talk to.</p> <p>15 But -- and then -- so I decided that I needed</p> <p>16 to go ahead and get some pictures while the</p> <p>17 daylight was still available and go ahead and start</p> <p>18 looking at the scene to see what all we needed to</p> <p>19 have done at that point in time. So I went to the</p> <p>20 site to look at it.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. Yeah. According to Rimkus's billing records, the</p> <p>23 second time you went to the Rimkus [sic] facility</p> <p>24 was roughly two months later on May 10th, 2019.</p> <p>25 That sound about right?</p>	<p style="text-align: right;">Page 64</p> <p>1 contact any witnesses or Rimkus [sic] employees who</p> <p>2 might have worked inside of building number 1 on</p> <p>3 March 19th, 2019 --</p> <p>4 MR. JONES: Did you say Rimkus employees?</p> <p>5 MR. GARDNER: I'm sorry. Republic employees.</p> <p>6 THE WITNESS: I did not contact anyone at that</p> <p>7 point in time. Other than speak to Kyle, by phone,</p> <p>8 to -- I actually called and double-checked a few</p> <p>9 times if -- how the case -- you know, if we needed</p> <p>10 to get moving on this, or whatever, to try to push</p> <p>11 it along. But a lot of the information and contact</p> <p>12 of people were up in the air, so to speak, of who</p> <p>13 to get in contact with.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. But to be clear, when you were at the scene the day</p> <p>16 after the fire, you failed to ask Kyle Orr the name</p> <p>17 of the fella that was doing welding inside of</p> <p>18 building number 1 the day of the fire.</p> <p>19 MR. JONES: Objection to form.</p> <p>20 MR. HEHNER: What's wrong -- can you tell me</p> <p>21 what's wrong --</p> <p>22 MR. GARDNER: I'm -- I'm comfortable with my</p> <p>23 question.</p> <p>24 MR. HEHNER: Okay. That's fine.</p> <p>25 THE WITNESS: I did not obtain the name or the</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes.</p> <p>2 Q. Between March 20th, 2019 and May 10th, 2019, tell</p> <p>3 us all the attempts you made to determine the name</p> <p>4 of the fella that was working inside of building 1,</p> <p>5 including performing welding operations.</p> <p>6 A. I did not make any attempts to get any information</p> <p>7 at that point in time. Because initially I was --</p> <p>8 they were -- I was under the impression by -- that</p> <p>9 they weren't sure they were gonna go ahead and go</p> <p>10 through -- through with anything at this point in</p> <p>11 time until they had some additional information.</p> <p>12 And that -- I told them that I would not be able to</p> <p>13 do this scene investigation at this particular</p> <p>14 point in time; I'd have to come back.</p> <p>15 And I was told that they would -- that we</p> <p>16 would also have to get people placed on notice to</p> <p>17 come back. And that's the first time that I spoke</p> <p>18 to them about that. And due to the time nature of</p> <p>19 them delaying some -- some of that contact, they --</p> <p>20 I was not back at the site until the second -- that</p> <p>21 second day.</p> <p>22 Q. You had access to a phone though in those two</p> <p>23 months, didn't you?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Would it be fair to say that you made no attempt to</p>	<p style="text-align: right;">Page 65</p> <p>1 information of the person who did the welding at</p> <p>2 that time.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. Do you know a time that fella -- strike the</p> <p>5 question.</p> <p>6 Have you ever heard of a fella named Terry</p> <p>7 Reader?</p> <p>8 A. I've heard that name before, yes.</p> <p>9 Q. But you haven't read his deposition at all, have</p> <p>10 you?</p> <p>11 A. No, I have not.</p> <p>12 Q. And you've never spoke with him, have you?</p> <p>13 A. No. I have not spoken to him.</p> <p>14 Q. You did not obtain either a video or audio-recorded</p> <p>15 statement of Terry Reader ever, correct?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you know when -- did you ever find out the name</p> <p>18 of the guy that was welding that day?</p> <p>19 A. I don't personally know who it was. I -- I think I</p> <p>20 might have read something somewhere in somebody's</p> <p>21 report that --</p> <p>22 Q. Dale Calle sound familiar?</p> <p>23 A. -- that --</p> <p>24 Q. Does Dale Calle sound familiar to you?</p> <p>25 A. The name sounds familiar, yes.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. Do you know when Dale Calle was first employed --</p> <p>2 A. No, I don't.</p> <p>3 Q. -- at Republic? No idea.</p> <p>4 A. No.</p> <p>5 Q. And do you know when he was last employed by</p> <p>6 Republic?</p> <p>7 MR. JONES: Objection to foundation.</p> <p>8 THE WITNESS: No, I do not.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Because you never talked to him.</p> <p>11 A. I've never spoken to him.</p> <p>12 Q. And nobody with Rimkus ever gave you that data.</p> <p>13 A. No.</p> <p>14 Q. According to his file he left employment with</p> <p>15 Republic approximately two months after the fire,</p> <p>16 by my memory. I could be off. But there -- his</p> <p>17 records say May of 2019. Did you ever contact him</p> <p>18 after he left Rimkus?</p> <p>19 A. I didn't --</p> <p>20 Q. I'm sorry, Republic?</p> <p>21 A. I did not have any contact information related to</p> <p>22 him.</p> <p>23 Q. Isn't it important, according to NFP 921, to obtain</p> <p>24 statements of witnesses who had been conducting</p> <p>25 activities in a room where you might -- you think</p>	<p style="text-align: right;">Page 68</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Do you have it in front of you?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. You're more than free to look at it as we go</p> <p>5 through.</p> <p>6 You address this December 3rd, 2019 report to</p> <p>7 Mr. Glenn Bell, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Is he the gentlemen that first contacted you about</p> <p>10 this case?</p> <p>11 A. Yes, sir.</p> <p>12 Q. What?</p> <p>13 A. Yes, sir.</p> <p>14 Q. He's out in Scottsdale, Arizona?</p> <p>15 A. That's his address, yes. I don't know whether</p> <p>16 that's his office address or whether it's his</p> <p>17 personal address.</p> <p>18 Q. Got it. You've never met with Mr. Bell?</p> <p>19 A. No.</p> <p>20 Q. Approximately how many times have you spoke to him?</p> <p>21 A. I spoke to him the day of the assignment to let him</p> <p>22 know I would go ahead and -- 'cause they wanted</p> <p>23 someone there. And also then after I was there, I</p> <p>24 con -- recontacted him that same day on the</p> <p>25 night -- or on the 20th and let him know what --</p>
<p style="text-align: right;">Page 67</p> <p>1 might be the origin of the fire?</p> <p>2 A. It's always important to try to obtain information.</p> <p>3 And also witnesses. But a lot of time it's also</p> <p>4 equally important to do an investigation before you</p> <p>5 speak to too many witnesses. Because you want to</p> <p>6 try to develop your own opinions of the fire and</p> <p>7 what caused the fire as well.</p> <p>8 Q. It's important --</p> <p>9 A. Witnesses are --</p> <p>10 Q. -- to talk to them before they die, isn't it?</p> <p>11 A. That's true.</p> <p>12 Q. Do you know when he died?</p> <p>13 A. No.</p> <p>14 Q. Your report mentions reference to NFP 921, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Both your reports say that, don't they?</p> <p>17 A. Yes, they do.</p> <p>18 Q. Exhibit F is a report dated December 3rd, 2019.</p> <p>19 That's your report of findings. You've seen that,</p> <p>20 right?</p> <p>21 A. Yes, I have.</p> <p>22 MR. HEHNER: Which one? Which one, Marty?</p> <p>23 The first one?</p> <p>24 MR. GARDNER: Yeah.</p> <p>25 MR. HEHNER: Okay. Thank you.</p>	<p style="text-align: right;">Page 69</p> <p>1 that there was no way I was going to be able to do</p> <p>2 a fire investigation in the short amount of time</p> <p>3 that they wanted this done to -- without having</p> <p>4 other people notified.</p> <p>5 Q. What was the short amount of time that they wanted</p> <p>6 it done?</p> <p>7 A. That day.</p> <p>8 Q. Oh, okay. So you've only talked to Glenn twice,</p> <p>9 both on March 20th, 2019?</p> <p>10 A. Yes, on --</p> <p>11 Q. Never again --</p> <p>12 A. -- by phone.</p> <p>13 Q. -- never again, right?</p> <p>14 A. No.</p> <p>15 Q. You've not read his deposition?</p> <p>16 A. No, I have not.</p> <p>17 Q. Okay.</p> <p>18 MR. JONES: Are you saying Glenn Bell has been</p> <p>19 deposed in this case? Is that what --</p> <p>20 MR. GARDNER: I apologize. Again, getting</p> <p>21 things mixed up. Withdraw that question.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. Tell me if you agree with this statement, Jim:</p> <p>24 NFPA 1933 lays out the minimum qualifications for a</p> <p>25 fire investigator while NFPA 921 contains the basic</p>

<p style="text-align: right;">Page 70</p> <p>1 knowledge base and methodology required to comply</p> <p>2 with NFPA 1033 requirements, correct? Is that</p> <p>3 accurate?</p> <p>4 A. Well, with -- there's -- there's a -- one's a</p> <p>5 standard and one's a guideline, yes.</p> <p>6 Q. All right.</p> <p>7 A. And I didn't hear the term "guideline." So 21 --</p> <p>8 921 is a guide; 9 -- 1033 is a standard for</p> <p>9 qualification.</p> <p>10 Q. For your -- for your qualifications.</p> <p>11 A. Yes.</p> <p>12 Q. All right. By the way, when -- when were you first</p> <p>13 qualified it as a cause -- cause-and-origin</p> <p>14 investigator?</p> <p>15 A. I was first certified in 1979 through the State of</p> <p>16 Indiana. And then after -- following that I worked</p> <p>17 for various volunteer departments as I was --</p> <p>18 and -- and also did fire investigations for them,</p> <p>19 so to speak --</p> <p>20 Q. I only asked you the year you were first certified.</p> <p>21 A. 1979.</p> <p>22 Q. Thanks. How did you --</p> <p>23 A. But there are several certification processes</p> <p>24 through this. So --</p> <p>25 Q. So the one in 1979, did you take a test?</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Yeah.</p> <p>2 A. And also the -- it didn't get -- there's two</p> <p>3 processes of review. And it never got caught. And</p> <p>4 usually anything like that would normally get</p> <p>5 caught. So --</p> <p>6 Q. Might have been helpful if you had your field notes</p> <p>7 to look at.</p> <p>8 MR. JONES: Objection to form.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Might have got the date right.</p> <p>11 MR. JONES: Objection to form.</p> <p>12 THE WITNESS: Well, I knew what the date was.</p> <p>13 It's just an -- an error on my part --</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Are there any other --</p> <p>16 A. -- typing error.</p> <p>17 Q. -- errors in this report?</p> <p>18 A. There's a -- there's a couple of errors that I --</p> <p>19 that I know of that I -- one of them is -- okay.</p> <p>20 I'll -- I'll wait till we get to that point.</p> <p>21 Q. I'm sure we will.</p> <p>22 I'm gonna skip ahead just a hair. Your most</p> <p>23 recent and last report, so far as I understand, is</p> <p>24 marked as Exhibit G, Pages 1 through 9, dated</p> <p>25 November 18th, 2022, right?</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Yes, I did.</p> <p>2 Q. Did you pass the first --</p> <p>3 A. A course and a test, yes.</p> <p>4 MR. HEHNER: You said something standard test?</p> <p>5 MR. GARDNER: He said a course and a test.</p> <p>6 MR. HEHNER: Thank -- oh, thank you.</p> <p>7 THE WITNESS: Through the State of Indiana.</p> <p>8 MR. GARDNER: Got it.</p> <p>9 MR. HEHNER: Thank you.</p> <p>10 QUESTIONS BY MR. GARDNER:</p> <p>11 Q. So what's the date of this fire?</p> <p>12 A. Date of the fire is actually March the 19th of</p> <p>13 2019.</p> <p>14 Q. Why did you record that it was March 3rd?</p> <p>15 A. I don't know how that is listed there as March the</p> <p>16 3rd. I -- I think on this particular thing was</p> <p>17 just a mis -- misprint or -- 'cause this is all --</p> <p>18 when I do a report, what happens is I do -- it gets</p> <p>19 sent in to someone to eval -- to read the report</p> <p>20 and so forth and evaluate it. And I don't know how</p> <p>21 that date got overlooked. But --</p> <p>22 Q. Could it be because --</p> <p>23 A. -- I typed the report --</p> <p>24 Q. Okay.</p> <p>25 A. -- and the date's wrong.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Yes.</p> <p>2 Q. And on Page 2 of that report you again put the date</p> <p>3 of the fire -- wait. See if you did. No, you got</p> <p>4 the date right. Okay.</p> <p>5 Have you, since preparing your November 18th,</p> <p>6 '22 report, prepared any supplemental or additional</p> <p>7 reports in this case?</p> <p>8 A. This report was initiated following the -- the lab</p> <p>9 report of the space heaters.</p> <p>10 Q. Yeah, I know that. My question is: Have you</p> <p>11 prepared any supplemental or --</p> <p>12 A. No.</p> <p>13 Q. -- additional reports --</p> <p>14 A. No, I have not.</p> <p>15 Q. -- since this one?</p> <p>16 A. No, I have not.</p> <p>17 Q. Have you reached any additional opinions not</p> <p>18 already expressed in either of your two reports</p> <p>19 produced in this case?</p> <p>20 A. No, I have not.</p> <p>21 Q. Did you express all of the opinions that you had in</p> <p>22 this case connection -- in connection with the</p> <p>23 origin cause of this fire in your November 18th,</p> <p>24 '22 report, or did you hold some back?</p> <p>25 A. I don't think I held back any opinions. I think</p>

<p style="text-align: right;">Page 74</p> <p>1 I -- there's probably not everything that I did in 2 that fire investigation is in the report 3 necessarily. But -- 'cause there would be multiple 4 things involved -- 5 Q. I -- I only asked you opinions. 6 A. No. 7 Q. This report, your last report, November 18th, 2022, 8 contains all of your opinions about the cause and 9 origin of this fire. 10 A. Yes, sir. 11 Q. And you've not developed any different or 12 additional opinions since then, right? 13 A. No, sir. 14 Q. Okay. Referencing again, Jim, your first report, 15 marked as Defendant's Exhibit F, dated 16 December 3rd, 2019. In the second paragraph you 17 talk about Rimkus -- I'll use that just as a -- 18 keep the deposition shorter -- was retained by 19 CCMSI, right? 20 A. Yes. 21 Q. Is that -- do you know what those initials stand 22 for? 23 A. No, I do not. 24 Q. Do you know if that's some division or alternative 25 name of Republic?</p>	<p style="text-align: right;">Page 76</p> <p>1 they were wondering if that would have anything to 2 do with the cause of the fire. And that 3 information was given to check into that 4 possibility along with, obviously, determine a 5 cause and origin of the fire. 6 Q. Didn't Glenn Bell also tell you, the day after the 7 fire, when he first contacted you, that an 8 unidentified heating and air company had been 9 consulted to install the style of heat in the 10 building and advised against this type of heater 11 used in the area due to welding and paint 12 operations? 13 A. I never got that information from Glenn -- 14 Q. Where did you -- 15 A. -- no. 16 Q. -- get it from? 17 A. I got that from Kyle Orr. 18 Q. When? 19 A. The day I was there. 20 Q. The first day. 21 A. The first day. The 19th, or the 20th, rather. 22 Q. And you wrote -- skipping to Page 2 of your report. 23 We'll skip back to 1 here in a minute. It's the 24 last big paragraph near the bottom, the sentence I 25 just wrote to you -- read to you.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. I know Republic -- I was told that Republic 2 Services was -- self-insures. So I -- I'm not 3 sure -- I assumed it was somebody associated with 4 the company by those initials. 5 Q. Your second paragraph of Exhibit F, the information 6 in it, you can just read it to yourself right now. 7 And -- and setting aside Mr. Otto Soyk -- 8 A. Uh-huh. 9 Q. -- did that information come from Glenn Bell? 10 A. Yes, sir. 11 Q. Okay. So you and Glenn Bell first spoke the day 12 after this fire. 13 A. Yes. It was on the 20th. 14 Q. Okay. And he asked you to determine the origin and 15 cause of the fire and to determine if recently 16 installed heaters contributed to the cause, 17 correct? 18 A. Yes. 19 Q. And did you ask him why he thought -- or he -- he 20 or his company thought that the recently installed 21 heaters might have something to do with the fire? 22 A. They -- he was given information, I think, by the 23 people on -- at the site that stated that that was 24 one of the things that had recently been done at 25 the facility, within the last couple months. And</p>	<p style="text-align: right;">Page 77</p> <p>1 You don't have any field notes left from your 2 conversation with Kyle Orr about this unidentified 3 company that advised against this type of heater, 4 do you? 5 A. No. I didn't know the name of the company. I 6 presently know the name of the company. But I did 7 not know the name of the company at the time. 8 Because -- 9 Q. When did you first learn it? 10 A. -- 'cause Kyle didn't have that information readily 11 available to give to me -- 12 Q. Okay. 13 A. -- at that time. 14 Q. When did you first learn it? 15 A. On the day of the joint scene exam. 16 Q. What day is that? 17 A. Like, March the 3rd of 2020, I believe it was. 18 Q. Who told you? 19 A. Not March -- or not 2020. It would have been 20 March -- the day I was there for collecting from 21 the heater. The -- I collected the samples from 22 the heaters. That date would have been -- 23 Q. May 10th? 24 A. -- May the 10th, 2019. Sorry. 'Cause that's when 25 I was informed that those heaters -- about the</p>



<p style="text-align: right;">Page 78</p> <p>1 heaters.</p> <p>2 Q. That some other company had recommended against the</p> <p>3 installation of that style heater.</p> <p>4 A. Yes.</p> <p>5 Q. Who told you that on May 10th, 2019?</p> <p>6 A. That would have been also Kyle at that time.</p> <p>7 Q. Has anybody else besides Kyle Orr ever given you</p> <p>8 that information?</p> <p>9 A. Fred Jones is also another manager there that give</p> <p>10 me that information on the day I was there for</p> <p>11 the --</p> <p>12 Q. May 10th, 2019?</p> <p>13 A. May the 10th, yes.</p> <p>14 Q. That's the day you collected your gauze swabs and</p> <p>15 scrapings and --</p> <p>16 A. Yes.</p> <p>17 Q. -- such, right? So you don't have any field notes</p> <p>18 left from talking to Kyle Orr or Fred Jones on</p> <p>19 May 10th, 2019 about this company that recommended</p> <p>20 against the installation of these heaters, do you?</p> <p>21 A. No, I do not.</p> <p>22 Q. What name did they give you that day?</p> <p>23 A. Korte, I believe, is the -- starts with a K,</p> <p>24 o-r-t-i, I believe.</p> <p>25 Q. Korte Does It All?</p>	<p style="text-align: right;">Page 80</p> <p>1 in.</p> <p>2 Q. What -- what day was that, this phone call with</p> <p>3 Korte?</p> <p>4 A. I'm not sure what date that would be. That would</p> <p>5 have been prior to my --</p> <p>6 Q. First report?</p> <p>7 A. -- first report -- or, yeah, first report.</p> <p>8 Q. You can't even say the month?</p> <p>9 MR. JONES: Objection to form.</p> <p>10 THE WITNESS: That would have been December.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. Of what year?</p> <p>13 A. Of 2019, I believe.</p> <p>14 Q. All right. How long did that phone call last?</p> <p>15 A. Just a very few minutes.</p> <p>16 Q. Who did you talk to? What was the name?</p> <p>17 A. I don't recall the name offhand.</p> <p>18 Q. So surely you put that information in -- in some</p> <p>19 sort of notes, didn't you?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Those are the notes that are destroyed.</p> <p>22 A. I assume so, yes. I personally did not destroy any</p> <p>23 notes. But --</p> <p>24 Q. Yeah. Do you think when Rimkus adopted the new</p> <p>25 policy of destroying field notes after a</p>
<p style="text-align: right;">Page 79</p> <p>1 A. Yeah.</p> <p>2 Q. So I imagine this sounded important to you, that</p> <p>3 another company had looked at this facility, with</p> <p>4 expertise, and had recommended against using closed</p> <p>5 infrared Space-Ray heaters? Sorry, closed infrared</p> <p>6 tube heaters?</p> <p>7 A. Well, all the information I received was -- I</p> <p>8 consider important, yes. And that would have been</p> <p>9 an important --</p> <p>10 Q. Right.</p> <p>11 A. -- also.</p> <p>12 Q. So you probably followed up on that pretty quickly.</p> <p>13 A. No, I did not. I -- I treated it like I would any</p> <p>14 other information, which would have been just</p> <p>15 taking that information in. And also, you know,</p> <p>16 put on a shelf, so to speak, as part of the</p> <p>17 investigation.</p> <p>18 Q. Did you ever take it off the shelf and talk to</p> <p>19 Korte about this?</p> <p>20 A. I did not talk to Korte about that except for in</p> <p>21 a -- a phone conversation I had. I can't recall</p> <p>22 the guy's name, that stated that they had also</p> <p>23 installed, I believe, some lighting equipment in</p> <p>24 the facility, and things of that nature. But had</p> <p>25 advised against putting those type of space heaters</p>	<p style="text-align: right;">Page 81</p> <p>1 preliminary report is prepared that that was</p> <p>2 incongruent with the guide -- NFP 921 guidelines?</p> <p>3 A. I, you know, obviously, working for a company, I</p> <p>4 don't control what they do or what they don't do.</p> <p>5 But I -- yes, I think it would probably be helpful</p> <p>6 to keep any type of information and notes available</p> <p>7 to -- to have to refer back to.</p> <p>8 I can see some of their understanding in</p> <p>9 regards to keeping information when they have</p> <p>10 thousands and thousands of pieces of information</p> <p>11 that they'd have to keep on file. That if the</p> <p>12 information is -- is -- for them is too much.</p> <p>13 Q. Your resumé speaks to you teaching courses, for</p> <p>14 decades I think, in fire scene investigation</p> <p>15 techniques and methodology, doesn't it?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Have you ever taught anyone in any of your classes</p> <p>18 that they should destroy their field notes?</p> <p>19 A. I have never --</p> <p>20 Q. You've --</p> <p>21 A. -- stated that fact, no.</p> <p>22 Q. You've done just the opposite, haven't you, that</p> <p>23 all field notes should be maintained throughout the</p> <p>24 course of the investigation.</p> <p>25 A. Right. All field notes should be -- in my opinion,</p>

<p style="text-align: right;">Page 82</p> <p>1 yes, all field notes should be kept --</p> <p>2 Q. 'Cause NFP 921 --</p> <p>3 MR. JONES: He can answer. He's -- he's</p> <p>4 answering. If you could let him finish --</p> <p>5 MR. GARDNER: His answers are going on</p> <p>6 forever. We're gonna be here till midnight.</p> <p>7 MR. JONES: But you're -- you're asking these</p> <p>8 questions. He has the right to answer them.</p> <p>9 So ...</p> <p>10 THE WITNESS: Yes. I would've -- I would</p> <p>11 expect to -- anyone to keep any information that</p> <p>12 they've obtained --</p> <p>13 MR. GARDNER: I'm sorry. I'm stepping on the</p> <p>14 court reporter.</p> <p>15 THE WITNESS: -- as for as their information</p> <p>16 that they -- they written down in any capacity,</p> <p>17 whether it's typed or written --</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. There are multiple --</p> <p>20 A. -- handwritten.</p> <p>21 Q. -- several sections of NFP 921 that indicate that</p> <p>22 those field notes should be maintained throughout</p> <p>23 the course of the investigation, aren't there?</p> <p>24 A. Yes. I -- I think there -- the feeling that I had</p> <p>25 whenever we discussed that with our general office</p>	<p style="text-align: right;">Page 84</p> <p>1 or Kyle Orr, where both -- that's talked about, did</p> <p>2 you?</p> <p>3 A. No, I did not.</p> <p>4 Q. So if in the depositions of -- of --</p> <p>5 (A discussion was held off the record.)</p> <p>6 MR. GARDNER: I'm gonna take Jim Z's so --</p> <p>7 recommendation of regular breaks about now. Is</p> <p>8 that okay?</p> <p>9 MR. JONES: Perfect -- that's great.</p> <p>10 THE VIDEOGRAPHER: The local time is 12:41.</p> <p>11 This ends media one. We are off the record.</p> <p>12 (A brief recess was taken.)</p> <p>13 THE VIDEOGRAPHER: This begins media two. The</p> <p>14 local time is 12:52. We are on the record.</p> <p>15 MR. GARDNER: Thanks. Can you read back the</p> <p>16 last question.</p> <p>17 (The requested text was read by the court</p> <p>18 reporter.)</p> <p>19 MR. GARDNER: I meant John Shadow.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Prior to your employment with Rimkus, you</p> <p>24 were employed by a company called EFI Global. And</p> <p>25 from looking at, I believe, your LinkedIn profile,</p>
<p style="text-align: right;">Page 83</p> <p>1 was that once the report's written, that they feel</p> <p>2 like that that was completion of the investigation</p> <p>3 and therefore if it was -- those written things,</p> <p>4 all those written stuff didn't need to be kept</p> <p>5 anymore.</p> <p>6 Now, unless, I guess you could -- I --</p> <p>7 hindsight would have been -- would have been I</p> <p>8 could have asked and requested that they been kept.</p> <p>9 But at the time it -- I did not do that.</p> <p>10 Q. Didn't John Shadow or Kyle Orr ever tell you that</p> <p>11 the reason they selected my client, COE Heating &amp;</p> <p>12 Air Conditioning, to install the three closed</p> <p>13 infrared tube heaters, rather than Korte Does It</p> <p>14 All, was for price reasons alone?</p> <p>15 A. No, I did not -- they did not say anything to me --</p> <p>16 Q. That's news --</p> <p>17 A. -- about that.</p> <p>18 Q. -- to you today, isn't it?</p> <p>19 A. Yes.</p> <p>20 Q. 'Cause you didn't read the deposition of Ron</p> <p>21 Danzer, did you?</p> <p>22 A. No, I have not.</p> <p>23 Q. Where that's talked about.</p> <p>24 A. No.</p> <p>25 Q. And you didn't read the deposition of John Shadow</p>	<p style="text-align: right;">Page 85</p> <p>1 you left EFI Global in June of 2018, and that same</p> <p>2 month started with Rimkus in June of 2018. That</p> <p>3 sound right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Why did you leave EFI Global to go to Rimkus?</p> <p>6 A. EFI Global had purchased Unified and Fire</p> <p>7 Investigations. They -- they basically became one</p> <p>8 entity. They had five other investigators that</p> <p>9 came on board. And at the time they were</p> <p>10 considering going to part-time status with</p> <p>11 everybody so no longer would have a contract,</p> <p>12 written contract.</p> <p>13 So -- and at the same time I received an email</p> <p>14 from Rimkus who said that -- or offered me</p> <p>15 additional income, \$25,000 actually more per year</p> <p>16 than what I was making under -- under contract.</p> <p>17 And so I elected to leave from there and go to</p> <p>18 Rimkus. They did not have an investigator in</p> <p>19 Indiana at the time.</p> <p>20 Q. Thank you. Why did you leave employment in 2020</p> <p>21 with Rimkus?</p> <p>22 A. From Rimkus, after the -- during period of COVID</p> <p>23 and things of that nature, they started having</p> <p>24 some -- receiving -- lack of receiving fire</p> <p>25 investigations. And so they decided to put</p>

<p style="text-align: right;">Page 86</p> <p>1 everybody -- all their fire investigators on</p> <p>2 part-time status, and actually hired two additional</p> <p>3 part-time people. So that way we -- they would</p> <p>4 have sufficient number of people to cover the state</p> <p>5 in different areas, one up in Fort Wayne and one</p> <p>6 south.</p> <p>7 So I at that point in time, due to the fact I</p> <p>8 had -- no longer had a contract with them and --</p> <p>9 and a guaranteed income, I decided to leave their</p> <p>10 employment there.</p> <p>11 Q. But your income since leaving has been far less</p> <p>12 than while with them, hasn't it?</p> <p>13 MR. JONES: Objection. I don't think he's</p> <p>14 testified to that yet.</p> <p>15 THE WITNESS: No, it has -- had not been.</p> <p>16 Because at the time, whenever I went part-time with</p> <p>17 them initially, and basically my income from them</p> <p>18 was in -- a lot less than what it was originally.</p> <p>19 And also the fact that I could not live on that</p> <p>20 type of an income, other than my retirement and</p> <p>21 Social Security. But I did not want to continue</p> <p>22 to -- so I -- I left them.</p> <p>23 And actually at the time my father-in-law</p> <p>24 owned a company for -- a construction company. And</p> <p>25 I went and worked for him for a while until I</p>	<p style="text-align: right;">Page 88</p> <p>1 to keep it at 150 for any type of work that was</p> <p>2 being done, personally, as well -- except for</p> <p>3 travel time I only -- is -- I reduce that to \$50 an</p> <p>4 hour travel time.</p> <p>5 Q. And since ending that -- those couple of recent</p> <p>6 cases that we talked about near the beginning of</p> <p>7 this deposition, you're down to just this one case,</p> <p>8 aren't you?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And what do you earn hourly as a mechanic at</p> <p>11 that Northside Trailer place?</p> <p>12 MR. JONES: Objection to form. I don't know</p> <p>13 that he testified earlier that he's an hourly</p> <p>14 worker there.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Are you an --</p> <p>17 A. Yes, I am an hourly worker there. But I make</p> <p>18 approximately \$1,000 a week.</p> <p>19 Q. I'm just asking hourly.</p> <p>20 MR. JONES: What -- what -- Marty, what --</p> <p>21 what's the relevance of his earnings in his job?</p> <p>22 MR. GARDNER: Comparison to what he earns</p> <p>23 during this case --</p> <p>24 MR. JONES: Okay. Well --</p> <p>25 MR. GARDNER: -- when he's not working on this</p>
<p style="text-align: right;">Page 87</p> <p>1 decided to go off on my own and get this other job</p> <p>2 actually.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. Exhibit C are various invoices from Rimkus --</p> <p>5 A. C.</p> <p>6 Q. -- from this case?</p> <p>7 A. Is that here?</p> <p>8 Q. You're not really gonna need to look at it.</p> <p>9 A. Okay.</p> <p>10 Q. Just, for instance, the first day you were on site,</p> <p>11 March 20th, 2019, Rimkus billed its client in this</p> <p>12 case for you at the rate of \$195 an hour, correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right. And since leaving Rimkus, what is your</p> <p>15 billable rate in this case?</p> <p>16 A. One-fifty an hour.</p> <p>17 Q. And what are you charging me an hour -- my client</p> <p>18 today for this deposition an hour?</p> <p>19 A. One-fifty an hour.</p> <p>20 Q. So is your rate 150 an hour whether you're on site,</p> <p>21 talking to witnesses, giving depositions,</p> <p>22 testifying in trial?</p> <p>23 A. Yes. They -- I know Rimkus has a -- like a \$225</p> <p>24 for any type of legal, so they jump it up even</p> <p>25 higher than that. And I thought it would be fair</p>	<p style="text-align: right;">Page 89</p> <p>1 case.</p> <p>2 MR. JONES: Okay. Well, we object to form.</p> <p>3 You can answer.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. My only question right now is, Jim, what are you</p> <p>6 paid hourly, by the hour, at Northside Trailer?</p> <p>7 A. Well, they --</p> <p>8 MR. JONES: Objection.</p> <p>9 THE WITNESS: -- it's a variation of -- of --</p> <p>10 of things. I get paid a hourly, which is \$25 an</p> <p>11 hour. And I also get paid a bonus, depending on</p> <p>12 how much work is being done and so forth. So</p> <p>13 roughly my paychecks run in -- or the gross amount</p> <p>14 is around \$1,000 a month -- or a week.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. So today you're making 150 an hour. And setting</p> <p>17 aside bonuses, when you work at the Northside</p> <p>18 Trailer, you make 25 an hour.</p> <p>19 MR. JONES: Same objections.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Right?</p> <p>22 A. Well, I don't -- I don't work as a fire</p> <p>23 investigation on a regular basis. So I'll have to</p> <p>24 have income coming in. This is just following up</p> <p>25 with old cases and things of that nature, yes. And</p>

<p style="text-align: right;">Page 90</p> <p>1 trying to be fair to every -- everything involved</p> <p>2 here.</p> <p>3 Q. Referring, Jim, to Exhibit F, which is your first</p> <p>4 report, dated December 3rd, 2019. Second paragraph</p> <p>5 states, last sentence, as follows: This report was</p> <p>6 reviewed by Otto Soyk --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- Junior, IAAI, hyphen, CFI, common -- comma, V in</p> <p>9 parentheses, Fire Division Manager. Do you see</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. Why was that done?</p> <p>13 A. Every fire report that we did with Rimkus that I</p> <p>14 had to -- I had to send to a division manager for</p> <p>15 review. It was just a peer review.</p> <p>16 Q. He didn't catch the date of the fire wrong, did he?</p> <p>17 A. No, he did not.</p> <p>18 Q. He didn't catch any errors, did he?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. There's a billing in the Rimkus file which we have</p> <p>21 at Exhibit C, Page 7, dated -- you don't have to</p> <p>22 look at it, Jim, really -- dated November 19th,</p> <p>23 2019 by Otto Soyk. It says, Review report for</p> <p>24 technical content, eight-tenths of an hour at 195</p> <p>25 an hour. Does that sound about right? It's</p>	<p style="text-align: right;">Page 92</p> <p>1 correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And in compliance with NFPA 1033 Standard for</p> <p>4 Professional Qualifications of a Fire Investigator?</p> <p>5 A. Yes.</p> <p>6 MR. JONES: Are you -- you asked current.</p> <p>7 What -- are you talking about this year or current</p> <p>8 as of the date of fire?</p> <p>9 MR. GARDNER: The date of this report. He put</p> <p>10 it right in his report.</p> <p>11 MR. JONES: Are -- you're asking him -- okay.</p> <p>12 Never mind.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Did you reference NFPA 921 in connection with</p> <p>15 preparing either of your reports? In other words,</p> <p>16 did you open it up and look at it?</p> <p>17 A. I open it up and look at it all the time. I don't</p> <p>18 know -- I'm -- almost on every time I do a report,</p> <p>19 I -- and also even when I'm not doing reports, I</p> <p>20 observe and read the manual.</p> <p>21 Q. It must be really important then for a fire --</p> <p>22 A. It is important. Yes, I --</p> <p>23 MR. JONES: Objection.</p> <p>24 THE WITNESS: It is a -- a matter of -- a</p> <p>25 guideline that we -- we use. And it changes. It's</p>
<p style="text-align: right;">Page 91</p> <p>1 page --</p> <p>2 A. I would assume so, yes. It sounds right.</p> <p>3 Q. You've not had your December '22 report technically</p> <p>4 reviewed, have you?</p> <p>5 MR. JONES: Did you say December '22?</p> <p>6 MR. GARDNER: Yeah.</p> <p>7 MR. ZOCCOLA: It's November.</p> <p>8 MR. JONES: I don't -- I don't think he did</p> <p>9 one --</p> <p>10 MR. GARDNER: I apologize; it's November '22.</p> <p>11 THE WITNESS: No, I did not.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. Why?</p> <p>14 A. I no longer worked for Rimkus.</p> <p>15 Q. You had nobody to --</p> <p>16 A. That was a requirement from Rimkus. And, also, I</p> <p>17 don't have anyone to review that re -- that as a</p> <p>18 peer.</p> <p>19 Q. Okay. You'll concede that in your investigation of</p> <p>20 this -- the fire in this case, you used the</p> <p>21 systematic approach as recommended in the current</p> <p>22 edition of the National Fire Protection</p> <p>23 Association, NFPA 921?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Guide for Fire and Explosion Investigations,</p>	<p style="text-align: right;">Page 93</p> <p>1 an ongoing and changing guideline.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Right. And so when you wrote your December 3rd,</p> <p>4 2019 report, it was the 2017 edition in -- in</p> <p>5 place, wasn't it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And when you wrote your next report, which I'll get</p> <p>8 the date right, November 18th, 2022, the 2021</p> <p>9 NFPA 921 edition was out, wasn't it?</p> <p>10 A. Yes, it was out.</p> <p>11 Q. Were there any significant changes made in the 2021</p> <p>12 edition of NFPA 921 that you used as compared to</p> <p>13 the 2017 edition?</p> <p>14 MR. JONES: Objection to form, foundation.</p> <p>15 THE WITNESS: There are several changes that</p> <p>16 were made in that -- in the differences. And just</p> <p>17 a couple of the major changes, one was that they</p> <p>18 took away all of the categories of --</p> <p>19 MR. GARDNER: My only question is: Did you --</p> <p>20 MR. JONES: He -- he -- he's answering your</p> <p>21 question.</p> <p>22 THE WITNESS: Prior investigation --</p> <p>23 MR. GARDNER: He -- he's not. My question is:</p> <p>24 Did you utilize the change in your --</p> <p>25 MR. JONES: And he's telling you what he</p>

<p style="text-align: right;">Page 94</p> <p>1 utilized and what changes. So I think it's fair</p> <p>2 for him to get to actually tell you --</p> <p>3 MR. GARDNER: I'll withdraw the question.</p> <p>4 MR. JONES: -- what changes he utilized.</p> <p>5 MR. ZOCCOLA: Well, let him finish his</p> <p>6 quest -- let him finish his answer.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. What were you trying to say?</p> <p>9 A. I was just letting you know what changes that I</p> <p>10 recognized as some major changes in the -- from the</p> <p>11 '17 to the -- the '22.</p> <p>12 Q. Okay. And did you make reference to any of those</p> <p>13 changes in either of your reports?</p> <p>14 A. No, I did not.</p> <p>15 Q. And other than indicating that you applied the</p> <p>16 method -- methodology for fire investigations as</p> <p>17 recommended by the National Fire Protection</p> <p>18 Association 9F -- NFP 9 -- A 921, you made no</p> <p>19 further reference to any section in either reports,</p> <p>20 did you?</p> <p>21 A. No, I did not.</p> <p>22 Q. Is that how you usually make your reports without</p> <p>23 reference to any NFPA 921 sections?</p> <p>24 A. We make a reference to the -- we use in those as a</p> <p>25 guidelines and -- and initially so there --</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. JONES: Same objection.</p> <p>2 THE WITNESS: I -- again, I don't know exactly</p> <p>3 word for word for what it says. But it -- char is</p> <p>4 basically the remains of combustible products that</p> <p>5 have been involved in a -- in the fire scene. And</p> <p>6 it's usually identified as the -- the charred</p> <p>7 remains of the combustible material that's burnt.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Would you agree that the definition per NFPA 921 of</p> <p>10 "char" is a carbonaceous material that has been</p> <p>11 burned or pyrolyzed and has blackened appearances.</p> <p>12 MR. JONES: Same objections.</p> <p>13 THE WITNESS: Yeah.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. What does the word "pyrolyzed" mean?</p> <p>16 MR. JONES: Same objection.</p> <p>17 THE WITNESS: Are you talking about</p> <p>18 pulmerization (phonetic) or pulmerized (phonetic)?</p> <p>19 QUESTIONS BY MR. GARDNER:</p> <p>20 Q. I'll spell it for you, p-y-r-o-l-y-z-e-d.</p> <p>21 A. Pulmerized (phonetic)? That is where a -- a</p> <p>22 chemical or a -- or a -- or a product, basically</p> <p>23 when exposed to air, can suddenly explode or</p> <p>24 rupture, a container or whatever. I don't know of</p> <p>25 their --</p>
<p style="text-align: right;">Page 95</p> <p>1 therefore -- this was -- this report from Rimkus</p> <p>2 was generated from an automatic -- basically a</p> <p>3 standard format that they use for reports. And we</p> <p>4 just fill in the sections as -- as we do that.</p> <p>5 We don't utilize every single -- we utilize</p> <p>6 the -- the re -- NFP 921. However, we don't</p> <p>7 particularly utilize it in word form on every</p> <p>8 situation as we go through. It's always utilized,</p> <p>9 put it that way, some form or another.</p> <p>10 Q. How does NFPA 921 define area of origin?</p> <p>11 MR. JONES: Objection to form.</p> <p>12 THE WITNESS: They refer to it as a general</p> <p>13 area where the fire originated from.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. How does NFPA 921 identify -- or I'm sorry --</p> <p>16 define the word "char"?</p> <p>17 MR. JONES: Objection to form. I don't think</p> <p>18 he -- you're looking at something right now.</p> <p>19 You're asking -- are you quizzing him on it? Or</p> <p>20 are you asking him to say verbatim? Or you asking</p> <p>21 him to give a summary? Or what are you asking?</p> <p>22 MR. GARDNER: I stand with my question. I</p> <p>23 like it.</p> <p>24 MR. JONES: You can answer.</p> <p>25 THE WITNESS: Well --</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Do you --</p> <p>2 A. Excuse me. I don't know their exact wording that</p> <p>3 they use, but that's what it does.</p> <p>4 Q. All right. Would you agree that the definition per</p> <p>5 NFPA 921 of the word "combustible" is something</p> <p>6 capable of undergoing combustion?</p> <p>7 A. That is part of it, yes.</p> <p>8 Q. Would you agree that per NFPA 921 the defini --</p> <p>9 definition of competent ignition source is, quote,</p> <p>10 an ignition source that has sufficient energy and</p> <p>11 is capable of transferring that energy to the fuel</p> <p>12 long enough to raise the fuel to its ignition</p> <p>13 temperature?</p> <p>14 MR. JONES: Same objections.</p> <p>15 THE WITNESS: Yes. That would be the</p> <p>16 definition of -- as you're reading it.</p> <p>17 MR. GARDNER: What?</p> <p>18 THE WITNESS: Yes. That would be the</p> <p>19 definition --</p> <p>20 MR. GARDNER: Okay.</p> <p>21 THE WITNESS: -- that you're reading.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. NFPA 921, Section 3.3.42 is -- we're in the</p> <p>24 definitional section, which I'm sure you've looked</p> <p>25 at, haven't you?</p>



<p style="text-align: right;">Page 98</p> <p>1 A. I've -- yeah, looked at --</p> <p>2 Q. Okay.</p> <p>3 A. I don't know all the definitions by their def -- I</p> <p>4 guess that's why we have the book to refer to --</p> <p>5 Q. That's right.</p> <p>6 A. -- if we need to.</p> <p>7 Q. It defines data analysis as the process of</p> <p>8 systematically utilizing logical techniques to</p> <p>9 dissect, reorder, evaluate, and interpret data?</p> <p>10 Would you agree with that?</p> <p>11 MR. JONES: Same objections.</p> <p>12 THE WITNESS: Yes, sir.</p> <p>13 MR. GARDNER: Okay.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Do you know what deductive reasoning is?</p> <p>16 A. Deductive reasoning is using information that</p> <p>17 you're given to form hypothesis in different areas</p> <p>18 that we -- that is utilized to -- there's in --</p> <p>19 there's inductive reasoning and there's deductive</p> <p>20 reasoning. And the -- in the -- the pattern of</p> <p>21 fire investigation or methodology.</p> <p>22 And you use those to determine, like, witness</p> <p>23 statements, data that you receive, everything that</p> <p>24 you utilize, wit -- in the process to make -- to</p> <p>25 form an opinion and to form a hypothesis.</p>	<p style="text-align: right;">Page 100</p> <p>1 pressure, further release of gas under pressure?</p> <p>2 MR. JONES: Just to clarify, are you asking if</p> <p>3 he agrees with the definition? Or are you asking</p> <p>4 whether or not --</p> <p>5 MR. GARDNER: Asking if he agrees -- that is</p> <p>6 the definition.</p> <p>7 MR. ZOCCOLA: And -- and there's no foundation</p> <p>8 of what he's reading.</p> <p>9 MR. JONES: I don't know that you've laid any</p> <p>10 foundation for what you're reading from. You've</p> <p>11 not identified what you're reading from. And I</p> <p>12 don't know if you're asking -- if -- you know, if</p> <p>13 he agrees with NFPA's definitions as you're reading</p> <p>14 them?</p> <p>15 MR. GARDNER: I'm holding NFPA --</p> <p>16 MR. JONES: Right. And if -- if --</p> <p>17 MR. GARDNER: -- 921, Thomas. What do you</p> <p>18 think I'm doing?</p> <p>19 MR. JONES: My point is, if we're gonna sit</p> <p>20 here and read through whether or not you're reading</p> <p>21 all these correctly, we're gonna be here a while.</p> <p>22 And if you want to --</p> <p>23 MR. GARDNER: Just asking if he agrees or not.</p> <p>24 MR. JONES: -- if you want to ask all those</p> <p>25 questions, you know, have at it. But we -- keeping</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. And did you do that in this case?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Tell me if you agree with this as the definition of</p> <p>4 explosion per NFPA 921.</p> <p>5 MR. ZOCCOLA: Where are you reading from?</p> <p>6 Is --</p> <p>7 MR. GARDNER: I don't have to tell you that.</p> <p>8 Work product.</p> <p>9 MR. ZOCCOLA: So you're gonna -- you're gonna</p> <p>10 ask questions about --</p> <p>11 MR. GARDNER: I've got a lot of questions</p> <p>12 about this.</p> <p>13 MR. ZOCCOLA: -- about written product, and</p> <p>14 you're not gonna identify what you're --</p> <p>15 MR. GARDNER: I just did.</p> <p>16 MR. ZOCCOLA: -- what you're reading?</p> <p>17 MR. GARDNER: I just did.</p> <p>18 MR. ZOCCOLA: Okay.</p> <p>19 MR. JONES: Same objections as before.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Will you agree that NFPA 921, Section 3.3.58</p> <p>22 defines an explosion as, quote, the sudden</p> <p>23 conversion of potential energy, paren, chemical or</p> <p>24 mechanical, closed paren, into kinetic energy with</p> <p>25 the production and release of gasses under</p>	<p style="text-align: right;">Page 101</p> <p>1 all those objections.</p> <p>2 THE WITNESS: I will agree that those -- the</p> <p>3 definition as you read it in their -- in that book</p> <p>4 is true -- is true definition that the ...</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. Do you agree that the definition of "fuel" per</p> <p>7 NFPA 921, Section 3.3.95 is, quote, a material that</p> <p>8 will maintain combustion under specified</p> <p>9 environmental conditions?</p> <p>10 MR. JONES: Same objections.</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. Does NFPA 21 [sic], in the definitional section,</p> <p>14 give a definition for a fire scene reconstruction?</p> <p>15 MR. JONES: Objection to foundation.</p> <p>16 THE WITNESS: Yes, they do.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. Okay. Do you agree that NFPA Section 921 --</p> <p>19 Section 3.3.80 defines "fire scene reconstruction"</p> <p>20 as the process of recreating the physical scene</p> <p>21 during fire scene analysis investigation or through</p> <p>22 the removal of debris in the placement of contents</p> <p>23 for structural elements in their prefire positions?</p> <p>24 MR. JONES: Same objections.</p> <p>25 THE WITNESS: I agree that's the definition --</p>



<p style="text-align: right;">Page 102</p> <p>1 MR. GARDNER: Okay.</p> <p>2 THE WITNESS: -- that's in that book, yes.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. Did you do that in this case?</p> <p>5 A. The -- in this particular case -- obviously, every</p> <p>6 fire scene's different. And we treat every --</p> <p>7 every fire scene that's there. We can't -- we</p> <p>8 don't utilize every single thing in that book on</p> <p>9 every single fire.</p> <p>10 Q. I know that.</p> <p>11 A. We try to do it -- the -- the best job we can to</p> <p>12 facilitate the fire investigation based on all</p> <p>13 facts and all information that's given. And we</p> <p>14 utilize reconstruction as one of those, if we're</p> <p>15 able to do that.</p> <p>16 Q. I'll move to strike that as nonresponsive. And if</p> <p>17 you don't listen to my questions, I'll have to move</p> <p>18 the Court for more time over seven hours here.</p> <p>19 MR. JONES: I think he's answer -- he's</p> <p>20 answering your questions.</p> <p>21 MR. GARDNER: No, he hasn't.</p> <p>22 MR. JONES: You've gone --</p> <p>23 MR. GARDNER: -- yes or no questions.</p> <p>24 MR. JONES: -- you've gone through definitions</p> <p>25 in a book that we --</p>	<p style="text-align: right;">Page 104</p> <p>1 MR. GARDNER: -- answer yes or no or not.</p> <p>2 THE WITNESS: I agree with the definition,</p> <p>3 yes, that's in the book.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Did you do that?</p> <p>6 A. Yes.</p> <p>7 Q. Did you reconstruct the scene?</p> <p>8 A. We -- I -- I can't say yes or no. Because we -- in</p> <p>9 my opinion, we try to do everything that we can do</p> <p>10 to -- to reconstruct the scene if it's feasibly</p> <p>11 possible.</p> <p>12 Q. Did you do that in this case, reconstruct the scene</p> <p>13 to its prefire --</p> <p>14 A. To a certain degree, yes. But in -- for the most</p> <p>15 part no.</p> <p>16 Q. You'll concede that the word "reconstructed" or</p> <p>17 words "reconstructed" or "reconstruct" are in</p> <p>18 neither of your reports.</p> <p>19 MR. JONES: Objection. They speak for</p> <p>20 themselves.</p> <p>21 THE WITNESS: No. That is not in my report.</p> <p>22 MR. GARDNER: 'Cause you didn't do it.</p> <p>23 MR. JONES: Same -- same objections.</p> <p>24 THE WITNESS: Not physically, no.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. GARDNER: Thomas, that was a yes-or-no</p> <p>2 question.</p> <p>3 MR. JONES: -- that we all agree on. You're</p> <p>4 asking whether or not -- I mean, if you're</p> <p>5 concerned about conserving time, I -- I don't know</p> <p>6 why we're going through all these definitions and</p> <p>7 asking whether or not you read them correctly out</p> <p>8 of a book you're not gonna show him.</p> <p>9 MR. GARDNER: That's not what I did. I asked</p> <p>10 him if he -- he -- I read it to him and asked him</p> <p>11 if he did it. He hasn't said yes --</p> <p>12 MR. ZOCCOLA: That's not what you did. You --</p> <p>13 you -- you're quizzing him on --</p> <p>14 MR. GARDNER: Hold on. Only one lawyer.</p> <p>15 MR. ZOCCOLA: Yeah. I got it.</p> <p>16 MR. JONES: Our -- our point's just that --</p> <p>17 MR. GARDNER: -- object.</p> <p>18 MR. JONES: -- our point's just that if you're</p> <p>19 gonna spend a significant portion of this depo --</p> <p>20 deposition quizzing him on --</p> <p>21 MR. GARDNER: Thomas, my use of time --</p> <p>22 MR. JONES: -- definitions --</p> <p>23 MR. GARDNER: -- is up to me.</p> <p>24 MR. JONES: Okay. Well, then, by all means.</p> <p>25 But if you're gonna ask --</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. NFPA 921, Section 3.3.131 defines material first</p> <p>2 ignited as, quote, the fuel that is first set on</p> <p>3 fire by the heat ignition, semicolon, to be</p> <p>4 meaningful, comma, both a type of material and a</p> <p>5 form of material should be identified. You'd agree</p> <p>6 with that, wouldn't you?</p> <p>7 MR. JONES: Objection to form, foundation.</p> <p>8 THE WITNESS: Yes.</p> <p>9 MR. GARDNER: Okay.</p> <p>10 QUESTIONS BY MR. GARDNER:</p> <p>11 Q. In this case did you determine the material first</p> <p>12 ignited?</p> <p>13 A. In my opinion the first material that was ignited</p> <p>14 would -- would have been the heater which would</p> <p>15 have been fueled by propane.</p> <p>16 Q. Material was the heater? Is that what you're</p> <p>17 saying?</p> <p>18 MR. JONES: Objection.</p> <p>19 THE WITNESS: No, I didn't say that. I said</p> <p>20 the first fuel that was ignited was propane.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. And what ignited second?</p> <p>23 A. Would have been the product that was on the heater</p> <p>24 and in the heater and in the tubes that was</p> <p>25 combustible materials, then suppically (phonetic)</p>

<p style="text-align: right;">Page 106</p> <p>1 it ignited and -- which was -- which -- which</p> <p>2 basically ended up, my opinion, as the cause of</p> <p>3 this fire as for as ignition of the fire.</p> <p>4 Q. And what was the product on and in the heaters that</p> <p>5 you're talking about?</p> <p>6 A. The residue from paint and other material that's</p> <p>7 used in the -- in the -- in their process of</p> <p>8 repairing dumpsters.</p> <p>9 Q. And what are the other materials identified as?</p> <p>10 A. Well, they told me occasionally they use paint</p> <p>11 thinners there. They also utilized -- primarily</p> <p>12 the paint that's a blue-color paint. I don't have</p> <p>13 the name offhand. But I have that information, the</p> <p>14 MSDS sheet on that particular product.</p> <p>15 Q. You're talking about the Blue Sheboygan paint,</p> <p>16 aren't you?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what -- what size are those --</p> <p>19 A. In the past, which is not effect -- not related to</p> <p>20 this particular fire. But in the past they've also</p> <p>21 used the Hercul -- Hercules bed liner that they use</p> <p>22 on some of the dumpsters. Certain -- certain</p> <p>23 customers request that to happen --</p> <p>24 Q. Had they used Herculiners in -- on March 19th, 2019</p> <p>25 in that room -- building?</p>	<p style="text-align: right;">Page 108</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. So it might have been. You just didn't read Terry</p> <p>3 Reader's deposition.</p> <p>4 A. I did not read his deposition.</p> <p>5 Q. Did you utilize the scientific -- any scientific</p> <p>6 method in this case?</p> <p>7 A. We always use a scientific method on every fire</p> <p>8 that we go to, the extent of what we can utilize of</p> <p>9 the -- that method based on what we're presented</p> <p>10 with.</p> <p>11 Q. Can you explain for us the scientific method that</p> <p>12 you utilized in this case.</p> <p>13 A. Obviously the first --</p> <p>14 MR. JONES: Objection, foundation. You can</p> <p>15 answer.</p> <p>16 MR. HEHNER: I didn't understand what you</p> <p>17 said.</p> <p>18 MR. JONES: Form and foundation objections.</p> <p>19 MR. HEHNER: Thank you.</p> <p>20 THE WITNESS: Obviously the first thing of any</p> <p>21 scientific method is, as they -- as they say,</p> <p>22 determine the need, which is obviously -- those two</p> <p>23 are -- the first two are already -- steps are</p> <p>24 already pretty much given -- a given.</p> <p>25 The need of it, 'cause there's a fire. And</p>
<p style="text-align: right;">Page 107</p> <p>1 A. To my knowledge they have not used that for a</p> <p>2 couple of years at least. And I was told at one</p> <p>3 point it was five years that they hadn't used it.</p> <p>4 So --</p> <p>5 Q. Who told you that?</p> <p>6 A. -- there were some discrepancies in that aspect.</p> <p>7 Q. Who told you that?</p> <p>8 A. That was -- Fred Jones was one.</p> <p>9 Q. Okay. Do you know if any Herculiner product was</p> <p>10 stored inside of building number 1 on the day of</p> <p>11 the fire?</p> <p>12 A. I did not see any Herculine material.</p> <p>13 Q. Okay. Were you aware that Terry Reader testified</p> <p>14 that there was -- there were can -- one-gallon cans</p> <p>15 of Herculiner inside of building number 1 on the</p> <p>16 day of the fire?</p> <p>17 MR. JONES: Objection to form. Misstates</p> <p>18 prior testimony.</p> <p>19 THE WITNESS: No. I was told that they had</p> <p>20 not used Herculine material for several years.</p> <p>21 MR. GARDNER: I'm not talking about using it;</p> <p>22 I'm talking about storing it in respect to --</p> <p>23 THE WITNESS: No. I don't know that it was</p> <p>24 present.</p> <p>25 MR. GARDNER: Okay.</p>	<p style="text-align: right;">Page 109</p> <p>1 two is determine the -- the cause and origin of the</p> <p>2 fire. And then, obviously, to collect data. And</p> <p>3 that could be any type of data that would be</p> <p>4 presented: Witness statements, physical data, fire</p> <p>5 patterns, things of that nature. And then any type</p> <p>6 of other data that you receive from laboratories,</p> <p>7 things that -- all those are applied. And you</p> <p>8 develop initial hypothesis. Develop initial</p> <p>9 hypothesis, then you try to utilize that and see if</p> <p>10 the data that you received fits that hypothesis.</p> <p>11 And then you go -- if that, for some reason,</p> <p>12 is not possible or unreliable, then you try to</p> <p>13 determine if there's any other hypothesis and</p> <p>14 rule -- try to rule those out. And then you come</p> <p>15 up with a most common or a cause -- a cause of the</p> <p>16 fire based on a percent of accuracy or percent of</p> <p>17 trying to use -- I can't remember the -- what my</p> <p>18 term was. But --</p> <p>19 QUESTIONS BY MR. GARDNER:</p> <p>20 Q. How about scientific certainty?</p> <p>21 A. Right, scientific certainty.</p> <p>22 Q. Have you fully explained for us your understanding</p> <p>23 of the scientific method as you utilized it in</p> <p>24 investigation of this fire?</p> <p>25 A. In this particular fire, yes.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. You're familiar with the idea of expectation bias  2 and confirmation bias?  3 A. Yes, I am.  4 Q. And you kept those in mind and avoided those during  5 your investigation in reaching your conclusions in  6 this case?  7 A. Yeah. I all -- every fire I do, I don't go into it  8 with any type of expectations, or even if someone  9 has said something to me about it. That's not why  10 we investigate fires. We want to know what we feel  11 is, in our expert opinion, the true cause of the  12 fire.  13 Q. So to avoid presumption, would you agree that until  14 data has been collected, no specific hypothesis can  15 be reasonably formed or tested?  16 A. To avoid presumption, yes.  17 Q. Would you agree that to avoid confirmation bias  18 that the failure to consider alternate or opposing  19 hypotheses or prematurely discounting seemingly  20 contradictory data without appropriate analysis and  21 casting can result in incorrect conclusions?  22 MR. JONES: Objection to foundation, form.  23 THE WITNESS: Yes. I agree that any other  24 possible hypothesis should be looked at and  25 discarded or become part of your overall</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Did you just now testify that you determined that  2 all electrical supply going into the facility had  3 been shut off?  4 A. Not all electrical going into the facility. I said  5 the only thing in -- in that particular area of the  6 building that I was informed by Mr. Jones was  7 that -- the -- was the power going to the heaters.  8 Q. You're not suggesting that the power into the  9 facility was off, are you?  10 A. No. I'm talking -- not to the box itself, no. I'm  11 not saying that.  12 Q. Okay.  13 A. I'm saying to the -- any components in the  14 building. I'm sure the receptacles, things like  15 that, still had power. But there was nothing  16 operating in the building that -- that had power.  17 Lights were off, no equipment was running, things  18 of that nature.  19 And all the electrical wiring was in -- in  20 conduit as well. And that makes a pretty big  21 difference when it comes to electrical causes of  22 fires, for the most part, due to wiring issues.  23 Q. And when did you reach that conclusion?  24 A. That's just general knowledge of -- of fire --  25 Q. I'm sorry. Let me retract the question.</p>
<p style="text-align: right;">Page 111</p> <p>1 investigation --  2 MR. GARDNER: Were you --  3 THE WITNESS: -- with that statement. I'm  4 sorry.  5 QUESTIONS BY MR. GARDNER:  6 Q. Were you able to eliminate an electrical --  7 electrical system or component as the cause of this  8 fire?  9 A. To answer, yes, based on several aspects of this  10 particular fire.  11 Q. Explain.  12 A. Number one is the -- there was information that was  13 given to me by Kyle, as well as too by Fred Jones,  14 that the last person in the area was at 4:00 in the  15 evening, and any work would have been done.  16 Everything gets shut off on a routine basis. And  17 all the electricity to the facility was shut off,  18 with exception of the fact of the power going to  19 the heaters.  20 Second of all, it was rechecked again at  21 approximately two-and-a-half hours later by  22 Mr. Jones. And he confirmed that the -- all the  23 power to -- to lights and to other things and  24 equipment had been stored properly and everything  25 had been shut off.</p>	<p style="text-align: right;">Page 113</p> <p>1 About when did you learn from Kyle Orr, and I  2 think you said Fred Jones, that basically all the  3 electrical components and systems inside of  4 building number 1 were turned off, other than the  5 heaters, on the day -- at the time of the fire?  6 A. That was when I talked to Mr. Jones at the site.  7 Q. The day after the fire.  8 A. The day -- no. That was -- Mr. Jones wasn't  9 contacted until or talked to until the --  10 Q. May 10th of --  11 A. May the -- yeah, when I went there the second time.  12 Q. Okay. So by May 10th, 2019, when you went there  13 the -- for the second time, you had been informed  14 by Kyle Orr and Fred Jones that nothing  15 electrical -- no electrical products or components  16 were on other than the heaters inside of building  17 number 1 at the time of the fire.  18 A. Yes.  19 Q. Then why did you bring John Diggle or Mr. Inendino  20 to the fire scene?  21 A. Well, there's -- first of all talk about John  22 Diggle. June Diggle is electrical engineer with  23 Rimkus based out of Chicago. And the fire  24 examination site, there were several other  25 electrical engineers that were going to be there</p>

<p style="text-align: right;">Page 114</p> <p>1 with other representations. So I felt that it</p> <p>2 should be possible that we have representation for</p> <p>3 -- for electrical engineer in case there was some</p> <p>4 electrical issue that came up that we could discuss</p> <p>5 it with him, and also he could guide us on certain</p> <p>6 issues regarding electricity of the building.</p> <p>7 So I asked him to attend the -- first of all</p> <p>8 asked our client, then I asked him to attend the --</p> <p>9 that examination.</p> <p>10 Q. And did Mr. John Diggle, electrical engineer,</p> <p>11 examine the electrical components in and around the</p> <p>12 fire scene of building number 1?</p> <p>13 MR. JONES: Objection, foundation.</p> <p>14 THE WITNESS: What I had him do is I had him</p> <p>15 in contact with the other electrical engineers that</p> <p>16 was there and had them to discuss any electrical</p> <p>17 issues that they wanted to discuss. And if there</p> <p>18 was anything that they needed from me, then let me</p> <p>19 know. And we could've try to obtain anything that</p> <p>20 we -- they wanted to obtain.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. Were you present when Lou Inendino informed a group</p> <p>23 inclu -- that would have included Mike Vergon that</p> <p>24 he could not exclude an electrical cause of this</p> <p>25 fire?</p>	<p style="text-align: right;">Page 116</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Can you reference Exhibit F, which is your first</p> <p>3 report. Your --</p> <p>4 A. I'm on F right now.</p> <p>5 Q. Yea. Do you see conclusions there at the top? I'm</p> <p>6 sorry. At the bottom?</p> <p>7 A. Yeah.</p> <p>8 Q. Yeah. In this report is the word "conclusion"</p> <p>9 synonymous with the word "opinions"? Is that what</p> <p>10 you mean?</p> <p>11 A. Yes.</p> <p>12 Q. And basically you listed three opinions, bottom of</p> <p>13 Page 1, top of Page 2, correct?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Your first conclusion, number one, you can read it</p> <p>16 to yourself. But, as I understand it, you're sort</p> <p>17 of giving a general origin of the fire in</p> <p>18 conclusion number one, right?</p> <p>19 A. That's just a general conclusion that a fire</p> <p>20 occurred, yes, and where it occurred.</p> <p>21 Q. Yeah. And number two you're talking about it</p> <p>22 involved the south end of the facility. So that's</p> <p>23 more of a general area of origin instead of a</p> <p>24 specific area of origin, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 MR. JONES: Objection to form, foundation.</p> <p>2 THE WITNESS: Lou Argino (phonetic) is a</p> <p>3 mechanical engineer, number one. He's not an</p> <p>4 electrical engineer. So I'm not sure he would</p> <p>5 have -- in my knowledge I don't know why he would</p> <p>6 have ever made that statement. I don't recall.</p> <p>7 There was -- I was not present when that statement</p> <p>8 was made by any -- to anybody. And I'm surprised</p> <p>9 that statement would be something he -- knowing</p> <p>10 Lou, that that would ever be said.</p> <p>11 MR. GARDNER: You haven't read Mike Vergon's</p> <p>12 deposition. I think we just took it.</p> <p>13 THE WITNESS: No, I have not.</p> <p>14 MR. JONES: There's no transcript.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Did you -- were you in the presence of -- of John</p> <p>17 Diggle when he informed other experts at the scene,</p> <p>18 including Mike Vergon, that he could exclude -- I'm</p> <p>19 sorry -- he could not exclude an electrical cause</p> <p>20 of this fire?</p> <p>21 MR. JONES: Objection to form, foundation.</p> <p>22 THE WITNESS: No. I was not in the presence</p> <p>23 of him. And I'm surprised, again, that anybody on</p> <p>24 our team would have even made that suggestion to</p> <p>25 anyone else at the site.</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. Okay. So your -- your true cause-and-origin</p> <p>2 opinions are contained in Paragraph 3, correct?</p> <p>3 MR. JONES: Objection to form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 MR. JONES: Yeah.</p> <p>6 THE WITNESS: Yes, sir.</p> <p>7 MR. GARDNER: Did you say yes? All right.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. And did you state that the cause and origin of the</p> <p>10 fire is a direct -- direct result of open infrared</p> <p>11 tube heaters installed in an area where painting</p> <p>12 and other procedures are performed? That's part of</p> <p>13 the paragraph, right.</p> <p>14 A. Yes.</p> <p>15 Q. Why did you use the word "open"?</p> <p>16 A. 'Cause it's not a tightly sealed unit.</p> <p>17 Q. For writing this report, particularly opinion</p> <p>18 number three we're talking about here, had you</p> <p>19 consulted with any experts regarding closed</p> <p>20 infrared tube heaters?</p> <p>21 A. No, I have not.</p> <p>22 Q. Have you ever --</p> <p>23 A. Consulted --</p> <p>24 Q. -- in this case?</p> <p>25 A. No. I'm just familiar with those type of heaters,</p>

<p style="text-align: right;">Page 118</p> <p>1     how it --</p> <p>2     Q.   And you think they're open.</p> <p>3     A.   They're not -- they're not -- I would say they're</p> <p>4       not open to things. But you can actually -- when</p> <p>5       you view -- view one of those heaters, you can</p> <p>6       actually see the flame through some of the openings</p> <p>7       and stuff that's in the heaters themselves,</p> <p>8       particularly from the bell and things of that</p> <p>9       nature.</p> <p>10    Q.   From the what?</p> <p>11    A.   There's a bell that comes out. I refer to it as a</p> <p>12       bell. It's a cone-shaped device where the -- the</p> <p>13       flame comes out of the heater.</p> <p>14    Q.   So you've seen these three heaters that you saw at</p> <p>15       the fire scene and then you gathered up and trucked</p> <p>16       down to Rimkus, right?</p> <p>17    A.   Yes.</p> <p>18    Q.   And you've seen the three heater box -- heater</p> <p>19       boxes, haven't you?</p> <p>20    A.   Yes.</p> <p>21    Q.   What nomenclature or terminology are you</p> <p>22       comfortable with using in referencing the boxes,</p> <p>23       the square boxes of the heaters?</p> <p>24    A.   My definition --</p> <p>25       MR. JONES: Objection, foundation.</p>	<p style="text-align: right;">Page 120</p> <p>1     Q.   Have you ever installed a closed infrared tube</p> <p>2       heater?</p> <p>3     A.   No, I have not.</p> <p>4     Q.   Have you ever maintained or worked on a closed</p> <p>5       infrared tube heater?</p> <p>6     A.   No.</p> <p>7     Q.   Have you ever installed a regular household</p> <p>8       furnace?</p> <p>9     A.   Yes, sir.</p> <p>10    Q.   Okay. Did you consult with any kind of an expert</p> <p>11       as to the operation of the closed infrared</p> <p>12       Space-Ray tube heaters that were used in -- I'm</p> <p>13       sorry -- that my client installed at Republic?</p> <p>14    A.   No. The only thing that I referred to and assisted</p> <p>15       me was their offer -- installation manual of a --</p> <p>16       of a particular heater that they had installed</p> <p>17       there.</p> <p>18    Q.   And in terms of the word -- your use of the word</p> <p>19       "open," if I'm following you right, you mean open</p> <p>20       to the -- the air in the room where they're</p> <p>21       mounted. Is that what you mean?</p> <p>22    A.   I'm just talking about them being ope -- they're --</p> <p>23       yeah, they're -- the whole thing is open. It's not</p> <p>24       en -- enclosed, except for the burner units</p> <p>25       themselves are in a -- in an enclosed container.</p>
<p style="text-align: right;">Page 119</p> <p>1       THE WITNESS: Okay. My definition would be</p> <p>2       that they were -- it's a closed system; however,</p> <p>3       it's not tightly sealed system.</p> <p>4     QUESTIONS BY MR. GARDNER:</p> <p>5     Q.   No, no. I'm just talking about how to -- how</p> <p>6       what's -- you and I to come to an agreement on the</p> <p>7       word we use for the -- the box where the ignition</p> <p>8       occurs.</p> <p>9     A.   The heater unit.</p> <p>10    Q.   Heater unit.</p> <p>11    A.   Yeah.</p> <p>12    Q.   Okay. It's kind of rectangular in shape, isn't it?</p> <p>13    A.   Yes.</p> <p>14    Q.   And is it sealed with silicone?</p> <p>15       MR. JONES: Objection to foundation.</p> <p>16       MR. GARDNER: I'm -- I'm talking before a fire</p> <p>17       starts. Are they still --</p> <p>18       THE WITNESS: Not to my knowledge.</p> <p>19       MR. JONES: Same objection.</p> <p>20       THE WITNESS: I don't know that. I didn't --</p> <p>21       I was not present at the time they were installed,</p> <p>22       so I have no knowledge of that.</p> <p>23    QUESTIONS BY MR. GARDNER:</p> <p>24    Q.   Do you have any expertise in the field of HVAC?</p> <p>25    A.   No, just general knowledge.</p>	<p style="text-align: right;">Page 121</p> <p>1       However, that enclosed container is not totally</p> <p>2       a -- a sealed container.</p> <p>3     Q.   And you -- are you saying that -- let's say you and</p> <p>4       I were together at Republic's facility on MacBeth</p> <p>5       Road the -- the day before the fire, that would be</p> <p>6       March 18th, 2019, climbed up a ladder and looked at</p> <p>7       these burner unit boxes of the Space-Ray heaters.</p> <p>8       We could physically see a flame without opening it</p> <p>9       anywhere? Is that when you think?</p> <p>10    MR. JONES: Objection to foundation.</p> <p>11    THE WITNESS: I -- I cannot attest to these</p> <p>12       particular heaters because I don't know how they</p> <p>13       were installed. I can only attest to -- 'cause</p> <p>14       our -- our fire station, for example, has this type</p> <p>15       of heaters installed in them, as well as other</p> <p>16       shops and other areas that I've been involved with.</p> <p>17       And you can actually physically see the burner</p> <p>18       units burning even though they're technically in a</p> <p>19       closed box.</p> <p>20       And another thing that I saw in this</p> <p>21       particular situation was remnants of paint that was</p> <p>22       inside of the tubes and inside of the heater units</p> <p>23       themselves that indicated that the paint got in</p> <p>24       there some way or another. So obviously they were</p> <p>25       not sealed totally to prevent fumes, vapors, paint,</p>



<p style="text-align: right;">Page 122</p> <p>1 small products from getting in too.</p> <p>2 Q. Do you know when this paint got inside of the</p> <p>3 heaters and the tubes?</p> <p>4 A. Some -- sometime within the two months they been --</p> <p>5 they were there.</p> <p>6 Q. How did you exclude this paint that you claim you</p> <p>7 see and debris getting inside of them during the</p> <p>8 fire or during fire suppression or in the months</p> <p>9 they were laying out there?</p> <p>10 A. Because I wit -- physically witnessed the paint</p> <p>11 being basically baked onto the product or to the --</p> <p>12 refer to it as a product, I -- to the heater units</p> <p>13 and to the -- all -- all of it, all around the</p> <p>14 place. And as well as the employees that were</p> <p>15 there basically was said that there was -- told me</p> <p>16 that the place was covered in blue.</p> <p>17 Q. You switched to the word "on." I'm dwelling in --</p> <p>18 in reference to "in." What goes on -- what was</p> <p>19 found in the firebox of the heaters in the -- in</p> <p>20 the tubes. And you said there was --</p> <p>21 A. There was some --</p> <p>22 Q. -- in.</p> <p>23 A. -- some blue -- yeah, blue -- remnants of blue --</p> <p>24 blue paint dried and also had been adhered to the</p> <p>25 surfaces in -- inside the tubes.</p>	<p style="text-align: right;">Page 124</p> <p>1 THE WITNESS: No, she did not tell me that.</p> <p>2 The only thing as I referred to in the aspect of</p> <p>3 the MSDS sheets, other than the paint itself, is</p> <p>4 once the paint dries, the products that remain on</p> <p>5 surfaces and things like that, which would be the</p> <p>6 surface of the heaters, the -- wherever this paint</p> <p>7 is at, would -- it becomes a similar to properties</p> <p>8 of a Class II and Class III liquid.</p> <p>9 Q. Doesn't the MDS data sheet for Blue Sheboygan paint</p> <p>10 say once the paint -- sorry -- water boils off, it</p> <p>11 doesn't use the word dry, does it?</p> <p>12 MR. JONES: Objection to foundation.</p> <p>13 THE WITNESS: Well, that's technically dried</p> <p>14 is what that -- is what it boils off to be is the</p> <p>15 dry surface.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. So your opinion in this case rests to some degree</p> <p>18 on your belief that the drying of the Blue</p> <p>19 Sheboygan paint is the same things as boiling Blue</p> <p>20 Sheboygan paint.</p> <p>21 MR. JONES: Objection to form. Misstates his</p> <p>22 testimony.</p> <p>23 THE WITNESS: No. I don't think -- I think</p> <p>24 there's two -- it's two different things. But in</p> <p>25 technicality, when you dry something, you expel the</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. And it was still blue?</p> <p>2 A. As well as everywhere else, yes.</p> <p>3 Q. Despite being in a fire for six hours.</p> <p>4 A. Well, not all of it had been involved in the fire</p> <p>5 for six hours. That's the whole fire. That --</p> <p>6 that particular unit itself or, you know, those</p> <p>7 units themselves may -- may or may not have been.</p> <p>8 Q. Had you --</p> <p>9 MR. HEHNER: When you use "unit" -- I need to</p> <p>10 be -- understand. When you use "unit," are you</p> <p>11 talking about the heaters?</p> <p>12 THE WITNESS: The heaters, yes.</p> <p>13 MR. HEHNER: Okay. I'm sorry. Thank you.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Have you ever attempted to ignite or combust the</p> <p>16 Blue Sheboygan paint in a liquid form?</p> <p>17 A. No, I have not.</p> <p>18 Q. Has anyone done that to your knowledge in this</p> <p>19 case?</p> <p>20 A. No. I'm not saying in liquid form, but it would</p> <p>21 have ignited.</p> <p>22 Q. Sharee Wells didn't tell you that she tried to</p> <p>23 ignite this Blue Sheboygan paint in its liquid</p> <p>24 form?</p> <p>25 MR. JONES: Objection to form, foundation.</p>	<p style="text-align: right;">Page 125</p> <p>1 water from it, which is what happened in this case.</p> <p>2 The heaters basically dried off or boiled off</p> <p>3 the -- the water which became adhered to the</p> <p>4 surfaces and basically dried on those surfaces.</p> <p>5 It's not a liquid product anymore; it's dried.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Okay. So your opinion in this case as to the</p> <p>8 ignitability or combustibility of Blue Sheboygan is</p> <p>9 regarding its dry form, right, instead of its wet</p> <p>10 form?</p> <p>11 A. I would say yes.</p> <p>12 Q. Tell me about all the tests you've done to confirm</p> <p>13 that dry Blue Sheboygan paint can ignite or combust</p> <p>14 or sustain combustion.</p> <p>15 MR. JONES: Objection to form.</p> <p>16 THE WITNESS: I've not done any tests. I've</p> <p>17 only went by what the company's -- the</p> <p>18 manufacturers of paints stated. And --</p> <p>19 MR. GARDNER: (Unintelligible.)</p> <p>20 THE WITNESS: -- their MSDS sheets.</p> <p>21 MR. JONES: Let him finish.</p> <p>22 MR. GARDNER: Go ahead. Done?</p> <p>23 THE WITNESS: Yep.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. Okay. So you have not tested the hypothesis that</p>



<p style="text-align: right;">Page 126</p> <p>1 you have that dry Blue Sheboygan paint is</p> <p>2 ignitable, combustible, or sustains combustion.</p> <p>3 MR. JONES: Objection to form.</p> <p>4 THE WITNESS: I have not tested that</p> <p>5 hypothesis. The only thing I have is the MSDS</p> <p>6 sheets and also lab report that says there was</p> <p>7 medium and heavy -- and I think aromatic or aromic</p> <p>8 (phonetic) material that was found in those con --</p> <p>9 in the samples that was sent in.</p> <p>10 MR. GARDNER: The word's aromatic.</p> <p>11 THE WITNESS: Aromatic, yeah.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. So in connection with your conclusion, a/k/a</p> <p>14 opinion, stated in your December 3rd, 2019,</p> <p>15 Paragraph 3, Page 2 report, you -- you indicate at</p> <p>16 the end, the last sentence -- you can read it if</p> <p>17 you want -- Paint and other flammable products used</p> <p>18 in the repair of trash dumpsters collected on the</p> <p>19 tube heaters and ignited, right?</p> <p>20 A. Right.</p> <p>21 Q. You didn't use the word "in" there, did you?</p> <p>22 A. I didn't use the word "in," no. I --</p> <p>23 Q. I thought in your -- your last report, which is</p> <p>24 Exhibit G, dated November 18th, 2022, you indicated</p> <p>25 that none of your opinions had changed from your</p>	<p style="text-align: right;">Page 128</p> <p>1 report remains unchanged. Yes. I agree with that.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Which is that the paint and other flammable</p> <p>4 products used in the repair of trash dumpsters</p> <p>5 coll -- dumpsters collected on the tube heaters and</p> <p>6 ignited, right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. How did the paint collect on the tube</p> <p>9 heaters? How did it rise up from, say, floor level</p> <p>10 or the level of a human spray painting,</p> <p>11 14-and-a-half feet up in the air and get on these</p> <p>12 heaters in 43 days?</p> <p>13 MR. JONES: Objection to form --</p> <p>14 THE WITNESS: The best --</p> <p>15 MR. JONES: -- foundation.</p> <p>16 THE WITNESS: -- the best way for me to state</p> <p>17 that would be how it accumulated on everything else</p> <p>18 inside the building. There was all -- there was</p> <p>19 paint there. And if you went to where the -- there</p> <p>20 actually was -- had moved that paint -- paint</p> <p>21 facility to, the same thing is occurring there.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. Paint all over the place.</p> <p>24 A. Yeah. It's a -- it's a blue paint everywhere.</p> <p>25 Q. All up and down the walls?</p>
<p style="text-align: right;">Page 127</p> <p>1 first report.</p> <p>2 MR. JONES: Objection to form.</p> <p>3 THE WITNESS: No. I indicated that the</p> <p>4 examination of the tube heaters did not change my</p> <p>5 opinion of what I originally -- or a conclusion</p> <p>6 that I came to.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. Could you please, Jim, go to Exhibit G, Page 2, top</p> <p>9 overview of opinions.</p> <p>10 A. Okay.</p> <p>11 Q. Last sentence. Tell me if I read this verbatim</p> <p>12 correctly. However, comma, my initial conclusions</p> <p>13 from the December 3rd, 2019 report remain</p> <p>14 unchanged, period.</p> <p>15 A. I'm trying to see where you were at here so I --</p> <p>16 Q. It's the last sentence -- close to the last</p> <p>17 sentence of overview of opinions.</p> <p>18 A. Overview of opinions.</p> <p>19 MR. HEHNER: At -- at the main paragraph. Not</p> <p>20 the one, two, three.</p> <p>21 THE WITNESS: Oh, up here. I'm sorry.</p> <p>22 MR. JONES: However --</p> <p>23 THE WITNESS: Additional examination has been</p> <p>24 conducted and -- and information has been analyzed.</p> <p>25 My initial conclusions from the December the 3rd</p>	<p style="text-align: right;">Page 129</p> <p>1 A. Not -- not as bad as it probably would be over a</p> <p>2 period of time. But it -- since -- but it -- it's</p> <p>3 everywhere in the facility. And I was told by</p> <p>4 employee that it was everywhere in the facility.</p> <p>5 Q. I'm talking about this -- referencing now this --</p> <p>6 the new place where they --</p> <p>7 A. Right. I have pictures -- I have pictures</p> <p>8 associated with that.</p> <p>9 Q. Right.</p> <p>10 A. So ...</p> <p>11 Q. And how is that room heated?</p> <p>12 A. By the tube heaters as well. And I suggested that</p> <p>13 to them.</p> <p>14 Q. Suggested what?</p> <p>15 A. That they should not be moving that over there</p> <p>16 if -- because of the fact that the same thing can</p> <p>17 occur to that building as occurred to the other</p> <p>18 building.</p> <p>19 Q. Do you know when Republic, after the fire that</p> <p>20 we're talking about, started painting their</p> <p>21 dumpsters across the parking lot over in what used</p> <p>22 to be the old wash bay in the big maintenance</p> <p>23 building?</p> <p>24 MR. JONES: Objection to form.</p> <p>25 THE WITNESS: I don't know exactly the date</p>

<p style="text-align: right;">Page 130</p> <p>1 that they moved. But I think they did some work</p> <p>2 there at the same time they did work at the other</p> <p>3 facility as well.</p> <p>4 MR. GARDNER: Checking my memory here.</p> <p>5 THE WITNESS: They didn't say any dates-wise</p> <p>6 to me.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. Correct me if I'm wrong, but I believe Greg Tolle</p> <p>9 testified in his deposition that Republic started</p> <p>10 painting, using the same Blue Sheboygan paint about</p> <p>11 two to three weeks after the fire across the</p> <p>12 parking lot --</p> <p>13 A. Right.</p> <p>14 MR. JONES: Objection, misstates --</p> <p>15 MR. GARDNER: -- in what used to be -- hold</p> <p>16 on, Thomas -- in what used to be the old wash --</p> <p>17 truck wash bay, right?</p> <p>18 MR. JONES: Objection, misstates prior</p> <p>19 testimony.</p> <p>20 THE WITNESS: Yes, sir.</p> <p>21 MR. GARDNER: Okay.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. You were there and you took photos inside of that</p> <p>24 new paint bay, didn't you?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. JONES: -- relevance. It's --</p> <p>2 MR. GARDNER: -- a continuing objection</p> <p>3 relevance --</p> <p>4 MR. JONES: Thank you.</p> <p>5 MR. GARDNER: -- if that's what you're talking</p> <p>6 about.</p> <p>7 MR. JONES: Thank you.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. You saw blue paint on the two heaters that you saw</p> <p>10 on the --</p> <p>11 A. From the -- from the -- on the deflectors. Not</p> <p>12 inside it. I didn't get in -- climb up and look</p> <p>13 inside the tubes or anything of that nature, no.</p> <p>14 Q. Isn't the date you took those photographs</p> <p>15 March 3rd, 2020, inside the new paint --</p> <p>16 A. The date I took that photograph is when I was asked</p> <p>17 by the lab to get a sample of the -- if I could get</p> <p>18 a sample of the paint.</p> <p>19 Q. Uh-huh.</p> <p>20 A. And also they wanted me to send them a sample of my</p> <p>21 swab. So I went back up there and got a sample of</p> <p>22 the paint itself. And the -- the only location</p> <p>23 they had the paint was in that particular room. So</p> <p>24 they directed me there, and that's when I noticed</p> <p>25 all the material. I wasn't there to investigate</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. Including of -- of the heaters used in there,</p> <p>2 didn't you?</p> <p>3 A. Yes. A couple months later, yes, when I --</p> <p>4 Q. How many heaters were in there?</p> <p>5 A. I noticed -- I believe as there's one long heater</p> <p>6 along the away wall. And I -- if memory -- I have</p> <p>7 pictures. But if there -- the -- I believe there's</p> <p>8 another heat -- I believe there's two heaters in</p> <p>9 that particular area of the wash bay.</p> <p>10 Q. Did you take pictures of them?</p> <p>11 A. Yes, sir.</p> <p>12 MR. JONES: Objection, form.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Do you know the manufacturer of those two heaters</p> <p>15 in the new wash -- paint facility?</p> <p>16 MR. JONES: Objection to foundation.</p> <p>17 THE WITNESS: No, I do not.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Did you climb up and look at them?</p> <p>20 A. No.</p> <p>21 Q. Did you see any blue paint on them?</p> <p>22 A. Yes, sir.</p> <p>23 MR. JONES: Marty, I'm -- I'm objecting to</p> <p>24 your whole line of questioning on --</p> <p>25 MR. GARDNER: I'll give you --</p>	<p style="text-align: right;">Page 133</p> <p>1 any fire in that situation. But I was there to get</p> <p>2 a sample of the paint. So I was there a very short</p> <p>3 amount of time.</p> <p>4 And at the same time I actually told -- I</p> <p>5 think -- I believe it was Kyle at the time. I</p> <p>6 mentioned to him, I said, you know, obviously this</p> <p>7 was moved over here, and most of your paint's over</p> <p>8 here now, and so it has the same type of heaters.</p> <p>9 I don't know who the -- he said they'd been in</p> <p>10 there -- that area for a lot much longer than the</p> <p>11 other area. But I said they're becoming -- the</p> <p>12 room is becoming like the other room was described</p> <p>13 to me, blue.</p> <p>14 Q. A lot of blue.</p> <p>15 A. Yes.</p> <p>16 Q. All over the place.</p> <p>17 A. Not necessarily all over the place at -- at present</p> <p>18 time I was there. But obviously it -- it could</p> <p>19 be -- end up being that way if they use that room</p> <p>20 for any length of time.</p> <p>21 Q. There are two evidence custody forms in this case</p> <p>22 referencing your collection of blue paint. One's</p> <p>23 dated March 4th, 2020; and the other's dated</p> <p>24 March 6th, 2020. Does that sound familiar to you?</p> <p>25 A. I don't know where -- does he have a copy of those?</p>

<p style="text-align: right;">Page 134</p> <p>1 Q. Yeah. But for the time being take me -- we'll --</p> <p>2 we're gonna get to those.</p> <p>3 A. Okay.</p> <p>4 Q. There's billing in the Rimkus invoices in Exhibit C</p> <p>5 that indicates that Mr. John Diggle and that you,</p> <p>6 James Foster, and Lou Inendino went to the Republic</p> <p>7 MacBeth facility on March 3rd, 2020?</p> <p>8 MR. JONES: Do you have a page number?</p> <p>9 MR. GARDNER: Yeah. It's Page 10, Thomas.</p> <p>10 MR. JONES: Okay. Thanks.</p> <p>11 THE WITNESS: Yeah. We -- I think at that</p> <p>12 particular timeframe we had a -- we had initially</p> <p>13 set a joint examination up for -- for that date,</p> <p>14 and everybody showed up. And then there was</p> <p>15 information given to us that the other parties</p> <p>16 wanted additional things. So there -- there was</p> <p>17 not a whole a lot of time involved in --</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. I'm just trying to establish the day you took these</p> <p>20 photographs --</p> <p>21 A. Yes.</p> <p>22 Q. -- inside the new -- the new paint room.</p> <p>23 A. Okay.</p> <p>24 Q. Got it?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 136</p> <p>1 connection with your investigation of this case?</p> <p>2 A. The only thing I did was I -- on my file report I</p> <p>3 did a -- a drawling [sic] of the site itself.</p> <p>4 Q. Do you have it today?</p> <p>5 A. No, I do not. I don't have any information with me</p> <p>6 today.</p> <p>7 Q. Right. Despite the subpoena asking you to bring</p> <p>8 it.</p> <p>9 MR. JONES: Objection to form. We produced</p> <p>10 everything that he's got.</p> <p>11 THE WITNESS: I -- I was told everything was</p> <p>12 being --</p> <p>13 MR. GARDNER: Hold on. There's no diag --</p> <p>14 diagram or schematic attributable to him --</p> <p>15 MR. JONES: I'm not sure if he understands the</p> <p>16 question. If you're asking did he ever prepare one</p> <p>17 or does he still have one in his physical</p> <p>18 possession?</p> <p>19 MR. GARDNER: I'll break it down.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Did you ever prepare a diagram or schematic in</p> <p>22 connection with investigating this case?</p> <p>23 A. I had -- yes, I did. On the -- on the back of my</p> <p>24 file folder, I had the diagram of the building</p> <p>25 itself. It was a rough-sketch diagram; it was not</p>
<p style="text-align: right;">Page 135</p> <p>1 Q. All right. And if you'll look on that same page,</p> <p>2 Jim, Exhibit C, Page 10. The next entry is</p> <p>3 March 6th, 2020.</p> <p>4 A. Right.</p> <p>5 Q. Evidence prepared for shipping to F.A.S.T. Labs for</p> <p>6 testing, right?</p> <p>7 A. Yes, right.</p> <p>8 Q. And that was the Blue Sheboygan paint you collected</p> <p>9 at the facility on March 3rd, 2020, right?</p> <p>10 A. And the -- a swab that --</p> <p>11 Q. Okay.</p> <p>12 A. -- was used too --</p> <p>13 Q. Okay.</p> <p>14 A. -- so they could have a comparison sample.</p> <p>15 Q. So that's almost a year after the fire when you're</p> <p>16 gathering this blue paint across the parking lot</p> <p>17 over in where they resumed painting operations,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. Also might add that that particular building was a</p> <p>22 little taller than the other building was, as well,</p> <p>23 the ceiling level was.</p> <p>24 Q. Did you -- you personally have any diagrams or</p> <p>25 schematics available that you prepared in</p>	<p style="text-align: right;">Page 137</p> <p>1 a computer diagram or anything of that nature but</p> <p>2 yes.</p> <p>3 Q. Did --</p> <p>4 A. And the measurements of the building, the external</p> <p>5 measurements.</p> <p>6 Q. When's the last time you've seen this?</p> <p>7 A. Since I left Rimkus or -- yeah.</p> <p>8 Q. Did you contact Rimkus in preparation for this</p> <p>9 deposition and ask that you be allowed to look at</p> <p>10 the -- their file that they maintain in this case?</p> <p>11 A. I contacted Rimkus to have the file sent to -- or</p> <p>12 sent to me. And I received cert -- I received</p> <p>13 limited information, and that was my report and</p> <p>14 my -- and a copy of the lab report that I</p> <p>15 'pecifically requested and also a copy of the</p> <p>16 photo -- photos that weres -- were taken.</p> <p>17 Q. Can you pull up Exhibit DD.</p> <p>18 A. Which one?</p> <p>19 Q. DD.</p> <p>20 MR. JONES: Oh, it's the other one. I'm</p> <p>21 sorry. You're right.</p> <p>22 THE WITNESS: Oh, sorry.</p> <p>23 MR. JONES: You can close that one.</p> <p>24 I'll trade you binders.</p> <p>25 THE WITNESS: Okay. Okay.</p>

<p style="text-align: right;">Page 138</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. The exhibit -- Defendants' Exhibit DD has twelve</p> <p>3 pages numbered 1 through 12. These are the photos</p> <p>4 that you took at the Rimkus facility, and the --</p> <p>5 the new, it's called paint room, on March 3rd,</p> <p>6 2020?</p> <p>7 A. They appear to be, yes.</p> <p>8 Q. You can look at the screen if that's -- I can't</p> <p>9 tell how good -- sometimes --</p> <p>10 A. Okay.</p> <p>11 Q. -- these don't copy so well. Depends on the</p> <p>12 printer.</p> <p>13 A. Okay.</p> <p>14 Q. And does this first page accurately depict the</p> <p>15 condition of the old wash bay, then current paint</p> <p>16 bay, on March 3rd, 2020?</p> <p>17 A. Yeah. There was nothing in the -- inside the bay</p> <p>18 at the time that they were painting.</p> <p>19 Q. Do you see any blue paint anywhere in this picture</p> <p>20 other than the bottom half of that garage door?</p> <p>21 A. As for as a large amount of it, no, I haven't. I</p> <p>22 don't.</p> <p>23 Q. Can you circle any small amounts other than what I</p> <p>24 just said?</p> <p>25 A. Not by this photograph, I can't.</p>	<p style="text-align: right;">Page 140</p> <p>1 pictures, yes.</p> <p>2 MR. JONES: Same objections.</p> <p>3 MR. GARDNER: Same question --</p> <p>4 THE WITNESS: As you can see on the ceiling</p> <p>5 there, there's blue paint on the ceiling. So ...</p> <p>6 MR. HEHNER: Which -- which one are you</p> <p>7 looking at on -- it's DD but --</p> <p>8 THE WITNESS: Number 2.</p> <p>9 MR. HEHNER: Number 2. Thank you.</p> <p>10 MR. GARDNER: Would you circle the blue paint</p> <p>11 on the ceiling that you're talking about.</p> <p>12 MR. JONES: Same objections.</p> <p>13 THE WITNESS: Here's B up here.</p> <p>14 MR. JONES: Okay.</p> <p>15 MR. GARDNER: You guys can watch -- oh, I see</p> <p>16 here. Thomas, I'm gonna -- that didn't come out</p> <p>17 very good.</p> <p>18 MR. JONES: What part are you circling?</p> <p>19 MR. GARDNER: The same part he circled. I'm</p> <p>20 gonna write the initial B in here --</p> <p>21 THE WITNESS: Okay.</p> <p>22 MR. GARDNER: -- for your claim that you see</p> <p>23 blue paint in that area. Not coming out real --</p> <p>24 MR. JONES: He take a look at it real quick.</p> <p>25 Make sure it looks the same.</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. Okay. How about Page 2? Can you circle on Page 2</p> <p>2 of Exhibit DD any blue paint anywhere? The walls,</p> <p>3 the ceiling, or the heater?</p> <p>4 MR. JONES: Objection to form, relevance.</p> <p>5 THE WITNESS: I -- I don't see anything on</p> <p>6 these -- on this photograph. But it look -- it</p> <p>7 appears on the photograph right below the heater</p> <p>8 tube that there might be some blue there. But I</p> <p>9 can't tell for sure by these photographs. On the</p> <p>10 bottom side of that tube.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. I'm gonna hand you my Exhibit DD so you can draw on</p> <p>13 it and give it to the court reporter. On Page 2</p> <p>14 would you -- we'll just give you a blue pen. Got a</p> <p>15 blue pen there? Circle the alleged blue paint you</p> <p>16 see in that --</p> <p>17 MR. JONES: Same -- same objections.</p> <p>18 THE WITNESS: Right in that area. I don't</p> <p>19 know if I can -- right in that area there.</p> <p>20 MR. GARDNER: I can tell --</p> <p>21 THE WITNESS: It might be lightly -- I can't</p> <p>22 quite tell for sure though.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. You're uncertain. You're uncertain.</p> <p>25 A. As for as the looks on these pic -- on these</p>	<p style="text-align: right;">Page 141</p> <p>1 THE WITNESS: I mean, in this photograph it</p> <p>2 appears to be blue paint there. And there appears</p> <p>3 to be even some light dusting of paint on --</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. And you --</p> <p>6 A. -- the ceiling.</p> <p>7 Q. -- you told -- you told Republic employees that you</p> <p>8 had concern, grave concern probably, that here they</p> <p>9 are still painting almost a year later with this</p> <p>10 same Blue Sheboygan paint with an air sprayer in a</p> <p>11 room with the same style heater, that it might</p> <p>12 catch on fire?</p> <p>13 MR. JONES: Objection to form, foundation</p> <p>14 and --</p> <p>15 MR. GARDNER: Fire.</p> <p>16 MR. JONES: -- relevance.</p> <p>17 THE WITNESS: I made a comment to them, yes,</p> <p>18 that there -- there -- they could potentially have</p> <p>19 some of the same issues in this particular building</p> <p>20 by what they were doing in there. And also the</p> <p>21 fact that -- the reason why I would -- this is</p> <p>22 not -- it's not the same conditions obviously. But</p> <p>23 it is similar to the conditions that existed in the</p> <p>24 other building. 'Cause this didn't -- this was not</p> <p>25 described as blue all over the walls, blue all over</p>

<p style="text-align: right;">Page 142</p> <p>1 everything like the other place was.</p> <p>2 But I saw remnants of blue paint pretty much</p> <p>3 everywhere in the facility, not necessarily stand</p> <p>4 out. It was light, dusting-type paint in the</p> <p>5 ceil -- in there.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Are you aware that Rim -- Republic continued to use</p> <p>8 their blue -- use Blue Sheboygan paint, the same</p> <p>9 kind that they had used previously across the</p> <p>10 parking lot, for at least three-and-a-half years</p> <p>11 without any fire or explosion?</p> <p>12 MR. JONES: Objection to foundation,</p> <p>13 relevance.</p> <p>14 THE WITNESS: I don't know. I don't have any</p> <p>15 information related to that. The only thing I was</p> <p>16 based on was what I found and what was presented to</p> <p>17 us at the site and the statements that were made</p> <p>18 there and the lab results that were obtained by the</p> <p>19 samples that I took.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. I'm gonna hand you Exhibit DD. And just go through</p> <p>22 each page here, and put a circle around any blue</p> <p>23 paint you see.</p> <p>24 MR. JONES: Same objections.</p> <p>25 THE WITNESS: Well, obviously it is showing</p>	<p style="text-align: right;">Page 144</p> <p>1 have been out in the center of this. Not -- it's</p> <p>2 not the same position nor is it in the same manner</p> <p>3 as the other one was.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. What's the difference to you in terms -- as you're</p> <p>6 referencing not in the same position, how does that</p> <p>7 play in --</p> <p>8 A. I don't know how the ventilation --</p> <p>9 MR. JONES: Same -- same objection and</p> <p>10 relevance.</p> <p>11 THE WITNESS: I don't know how the ventila --</p> <p>12 MR. GARDNER: Hold on a second. The case law</p> <p>13 clearly states you -- all relevancy objections are</p> <p>14 preserved without any requirement to make it.</p> <p>15 We're not in trial today.</p> <p>16 MR. JONES: All right. Well --</p> <p>17 MR. GARDNER: So I --</p> <p>18 MR. JONES: -- form and relevance.</p> <p>19 THE WITNESS: First of all, the deflector is</p> <p>20 not the same as it was in -- in the other one.</p> <p>21 'Cause they were directly on top. They were not</p> <p>22 turned. And this is almost to a 90-degree turn.</p> <p>23 And it's forcing the air out this way from that.</p> <p>24 So that would obviously keep some -- any paint from</p> <p>25 accumulating to a certain degree.</p>
<p style="text-align: right;">Page 143</p> <p>1 there.</p> <p>2 MR. GARDNER: Probably on Page 3 by now.</p> <p>3 THE WITNESS: I already did that. And there's</p> <p>4 actually some light stuff in here, looks like.</p> <p>5 This is all over the place in that particular -- on</p> <p>6 the top. I mean, the room where the paint was at,</p> <p>7 it was -- there's a lot of blue there. I can't --</p> <p>8 MR. GARDNER: Apparently -- yeah, I know. I</p> <p>9 apologize. I only meant --</p> <p>10 THE WITNESS: Entire --</p> <p>11 MR. GARDNER: Hold on.</p> <p>12 THE WITNESS: -- entirely covered.</p> <p>13 MR. GARDNER: Jim, I only meant the walls,</p> <p>14 ceiling, and heaters.</p> <p>15 THE WITNESS: Oh, okay.</p> <p>16 MR. GARDNER: I apologize. I know there's</p> <p>17 blue paint -- I think you've already done it with</p> <p>18 your giant circles.</p> <p>19 THE WITNESS: And the one -- one thing about</p> <p>20 these particular pictures is the -- this position</p> <p>21 of this heater is not in the same position as were</p> <p>22 the other heaters were while they were doing the</p> <p>23 painting in the other thing. This is off to the</p> <p>24 side, against the wall. And this is actual --</p> <p>25 the -- where they did most of their painting would</p>	<p style="text-align: right;">Page 145</p> <p>1 And, also, I don't know the ventilation system</p> <p>2 of this building or if there's any other</p> <p>3 ventilization [sic] systems at all.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. You didn't check for that when you were in there</p> <p>6 taking --</p> <p>7 A. No, I didn't.</p> <p>8 Q. -- these pictures --</p> <p>9 A. I didn't -- I --</p> <p>10 MR. JONES: Objection to form.</p> <p>11 THE WITNESS: -- I just took pictures of what</p> <p>12 was there. This building had no bearing on what my</p> <p>13 investigation was. It basically did show me</p> <p>14 that -- and I took pictures only to show them that</p> <p>15 this -- similar things could happen in here if it</p> <p>16 wasn't resolved and taken care of, or -- or</p> <p>17 properly cleaned, one way or the other.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. You had some concerns that another fire could</p> <p>20 occur --</p> <p>21 A. Yes.</p> <p>22 Q. -- in that --</p> <p>23 MR. JONES: Objection to form.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. 'Cause you think this dry blue paint can ignite and</p>

<p style="text-align: right;">Page 146</p> <p>1 combust when it gets on these heaters.</p> <p>2 A. Once -- yeah, once it -- the -- the liquid or the</p> <p>3 water base boils off, yes. And that's by the --</p> <p>4 the company's own information that they provided.</p> <p>5 Q. Did -- do you know from the photos or from being in</p> <p>6 the room, roughly a year after the fire, whether</p> <p>7 the Vantage combustion boxes were open or closed?</p> <p>8 MR. JONES: Same objections, foundation.</p> <p>9 THE WITNESS: I don't know. They were not</p> <p>10 operating at the time I was there, so I could not</p> <p>11 see whether or not they were.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. Page 9 of Exhibit DD. That's a salamander heater,</p> <p>14 isn't it?</p> <p>15 A. Yes.</p> <p>16 MR. JONES: Objection to foundation.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. And it has blue paint on it, doesn't it?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know what the fuel is that -- that</p> <p>21 salamander heater in this photograph runs from?</p> <p>22 MR. JONES: Same objection.</p> <p>23 THE WITNESS: I don't personally know but</p> <p>24 likely kerosene.</p> <p>25 MR. GARDNER: Right.</p>	<p style="text-align: right;">Page 148</p> <p>1 A. -- thing. So that would have been --</p> <p>2 Q. May 10th, 2020?</p> <p>3 A. -- 2019.</p> <p>4 Q. I'm sorry. May 10th, 2019.</p> <p>5 A. 2019.</p> <p>6 Q. And we do have some notes from Fred Jones in the</p> <p>7 file, don't we? You've seen those, right? Written</p> <p>8 by Lou Inendino?</p> <p>9 A. I --</p> <p>10 MR. JONES: Objection to form, foundation.</p> <p>11 THE WITNESS: -- I don't know that I've seen</p> <p>12 those, no.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Have you seen any field notes of witnesses'</p> <p>15 statements in -- in this file taken by John Diggle?</p> <p>16 A. I've seen them, yes. I have not --</p> <p>17 Q. Did you refer to those and utilize any of the field</p> <p>18 notes prepared by John -- either John Diggle or Lou</p> <p>19 Inendino in reaching any of your conclusions?</p> <p>20 MR. JONES: Objection to form.</p> <p>21 THE WITNESS: I did -- I personally based my</p> <p>22 opinion on my investigation and my opinions of what</p> <p>23 I saw while I was -- information I was given. And</p> <p>24 they did not offer any opinion to me, either one,</p> <p>25 as for as a cause or origin of the fire.</p>
<p style="text-align: right;">Page 147</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. And do you know if a -- if Republic had been</p> <p>3 utilizing a salamander heater to heat any space</p> <p>4 inside of building number 1 prior to March 20th,</p> <p>5 2019?</p> <p>6 A. You're talking about the building that the fire</p> <p>7 originated --</p> <p>8 Q. Yeah. And --</p> <p>9 A. -- correct? Okay.</p> <p>10 Q. -- building number 1, Jim.</p> <p>11 A. Okay. I do know that they had a salamander heater</p> <p>12 in there. But I was told that that hadn't been</p> <p>13 used for quite some time since they had the</p> <p>14 overhead heaters. And they had three of those</p> <p>15 in --</p> <p>16 Q. Who told you that?</p> <p>17 A. I think that was Mr. Jones.</p> <p>18 Q. When?</p> <p>19 A. When I spoke to him on the -- was it the 20th? I</p> <p>20 can't remember exact dates. But --</p> <p>21 Q. What year?</p> <p>22 A. When I spoke to him when we were standing out there</p> <p>23 in front of the -- in May when I -- when I was</p> <p>24 there doing the --</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 149</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. I'm not talking about --</p> <p>3 A. That's my opinion.</p> <p>4 Q. -- their opinions. They're lay witnesses. I'm</p> <p>5 talking about the facts from them.</p> <p>6 MR. JONES: Same objections.</p> <p>7 THE WITNESS: I'm not for sure exactly what</p> <p>8 you're referring to. But the --</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Wait a second. You think Lou Inendino and John</p> <p>11 Diggle wrote down opinions from Fred Jones --</p> <p>12 MR. JONES: Objection to form.</p> <p>13 MR. GARDNER: -- and -- I apologize -- any</p> <p>14 other witness in their --</p> <p>15 THE WITNESS: I don't -- I don't think --</p> <p>16 MR. JONES: Same objections.</p> <p>17 THE WITNESS: I think they would just write</p> <p>18 down facts as they would see them.</p> <p>19 MR. GARDNER: Right.</p> <p>20 THE WITNESS: I don't think they would write</p> <p>21 down facts just because somebody give them</p> <p>22 information. They might say a certain person told</p> <p>23 them this or something. But --</p> <p>24 MR. GARDNER: Okay.</p> <p>25 THE WITNESS: -- I don't think they would</p>



<p style="text-align: right;">Page 150</p> <p>1 utilize that as factual information that they</p> <p>2 would -- they would give a conclusion to, I guess,</p> <p>3 I would speak about --</p> <p>4 MR. GARDNER: You and I are not --</p> <p>5 THE WITNESS: -- offer an --</p> <p>6 MR. GARDNER: -- on the same page.</p> <p>7 THE WITNESS: -- investigation.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Did you, as the cause-and-origin expert, the only</p> <p>10 one involved in this case for the plaintiff, rely</p> <p>11 on any, way, shape or form, on any of the</p> <p>12 information obtained by either Lou Inen -- Inendino</p> <p>13 or John Diggle when they talked to Fred Jones or</p> <p>14 any other witness?</p> <p>15 MR. JONES: Objection to form.</p> <p>16 THE WITNESS: No, I did not.</p> <p>17 MR. GARDNER: Okay.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Do you know if kerosene has as a -- is produced by</p> <p>20 the distillation of petroleum?</p> <p>21 MR. JONES: Objection to foundation.</p> <p>22 THE WITNESS: Yes, as similar diesel fuel.</p> <p>23 MR. GARNER: Right.</p> <p>24 THE WITNESS: It's a combustible material that</p> <p>25 has a higher flash point, so to speak, than</p>	<p style="text-align: right;">Page 152</p> <p>1 A. This heater would be at floor level, number one.</p> <p>2 And, number two, the fire originated at ceiling</p> <p>3 level, according to the witnesses.</p> <p>4 Q. You mean Shamir -- Samir?</p> <p>5 A. Yes.</p> <p>6 Q. You didn't read in his deposition -- well, you</p> <p>7 didn't read his deposition at all, did you?</p> <p>8 A. I don't recall that, no.</p> <p>9 Q. Okay. Do you know if he -- when you looked and</p> <p>10 went outside, he was located across -- across in</p> <p>11 the fleet maintenance office at the time he was</p> <p>12 alerted to something going on, do you know if he</p> <p>13 saw fire first or if he saw smoke first or if he</p> <p>14 saw both at the same time?</p> <p>15 MR. JONES: Objection to foundation, form.</p> <p>16 THE WITNESS: I don't know. He saw smoke, I</p> <p>17 think initially, obviously. And then it -- 'cause</p> <p>18 it was pretty heavy smoke involvement. And then he</p> <p>19 saw flames.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Okay. Do you know if he went inside in either</p> <p>22 building, 1 or 2 or 3 or 4, as we've got in this</p> <p>23 Exhibit Z?</p> <p>24 MR. JONES: Same objections.</p> <p>25 THE WITNESS: To my knowledge, I think they</p>
<p style="text-align: right;">Page 151</p> <p>1 gasoline, for example.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. And its residue could include and be interpreted as</p> <p>4 a heavy petroleum distillate?</p> <p>5 MR. JONES: Objection to foundation.</p> <p>6 THE WITNESS: Yes. It would -- that's similar</p> <p>7 to the -- the -- to any other products as well, as</p> <p>8 for as --</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. -- any product can -- can leave the residue of a</p> <p>11 heavy petroleum distillate?</p> <p>12 A. No --</p> <p>13 MR. JONES: Objection to form --</p> <p>14 THE WITNESS: -- I'm not saying that --</p> <p>15 MR. JONES: -- foundation.</p> <p>16 THE WITNESS: -- at all.</p> <p>17 MR. GARDNER: Okay.</p> <p>18 THE WITNESS: The -- like paint thinners, for</p> <p>19 example, gives off the same type class --</p> <p>20 Class II-type vein, which was evident. And also</p> <p>21 the -- if it's burning efficiently, it's -- they</p> <p>22 typically would not do that. It would have to be</p> <p>23 some contact. This is at floor level.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. What is?</p>	<p style="text-align: right;">Page 153</p> <p>1 attempted to. But I think they decided not to and</p> <p>2 contacted 9-1-1 to --</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. So you're not aware he went inside with the</p> <p>5 security guard and got keys to vehicles and went</p> <p>6 outside and moved vehicles?</p> <p>7 A. I'm -- I'm aware of that fact. But I --</p> <p>8 Q. Well, how could he get the keys if he didn't go</p> <p>9 inside --</p> <p>10 MR. JONES: If you will let him finish his</p> <p>11 answer.</p> <p>12 THE WITNESS: But I'm -- I'm not aware that --</p> <p>13 where those were located at as for as in the</p> <p>14 building themselves.</p> <p>15 MR. GARNER: Oh.</p> <p>16 THE WITNESS: So ...</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. Go on my memory from his deposition is he only</p> <p>19 entered building number 2. Were you aware of that,</p> <p>20 Shamir [sic]?</p> <p>21 MR. JONES: Objection to form.</p> <p>22 THE WITNESS: I was not aware of that, no.</p> <p>23 MR. GARDNER: Okay.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. And were you aware that after he came outside,</p>

<p style="text-align: right;">Page 154</p> <p>1 he -- I think he called John Shadow and 9-1-1?</p> <p>2 A. He said --</p> <p>3 MR. JONES: Objection, foundation.</p> <p>4 THE WITNESS: -- he made several phone calls.</p> <p>5 So he didn't tell me who he called.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. All right. And you didn't read his deposition that</p> <p>8 when he first saw fire, it was predominantly coming</p> <p>9 out of this white door, the most southern garage</p> <p>10 door on building number 1, rather than out of the</p> <p>11 two doors that are blue in Exhibit C?</p> <p>12 MR. JONES: Objection, form; asked and</p> <p>13 answered.</p> <p>14 THE WITNESS: Well, the -- yeah, the -- I'm</p> <p>15 assume -- I'm assuming -- saying that he -- they</p> <p>16 saw fire coming out of the vent here on the front</p> <p>17 of the building and around the doors. But on the</p> <p>18 south door particularly.</p> <p>19 MR. GARDNER: The white door.</p> <p>20 THE WITNESS: The only -- the only thing that</p> <p>21 that could -- that tells me is not that the fire</p> <p>22 originated there necessarily. All it tells me is</p> <p>23 fire seeks oxygen. And those doors are -- there's</p> <p>24 cracks in garage doors everywhere, that that door</p> <p>25 could have possibly been a lot more open than the</p>	<p style="text-align: right;">Page 156</p> <p>1 debris field in building number 1 show a -- a --</p> <p>2 the remains of a salamander unit?</p> <p>3 MR. JONES: Objection --</p> <p>4 THE WITNESS: Yes, it does.</p> <p>5 MR. JONES: -- foundation.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. And do you know if that salamander heater was used</p> <p>8 on the day of the fire or not?</p> <p>9 A. I was told --</p> <p>10 MR. JONES: Same objection.</p> <p>11 THE WITNESS: -- it had not been used for</p> <p>12 quite some time.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. By Fred Jones?</p> <p>15 A. Yes.</p> <p>16 Q. But you didn't talk to the fella that was actually</p> <p>17 working in the room, Dale Calle, about that, did</p> <p>18 you?</p> <p>19 A. No, I did not.</p> <p>20 MR. JONES: Same objections.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. If you would have talked to Dale Calle or had</p> <p>23 someone talk to him and get any kind of a</p> <p>24 statement, then you could, one, rule out or rule in</p> <p>25 the use of a kerosene salamander heater on the day</p>
<p style="text-align: right;">Page 155</p> <p>1 other doors were.</p> <p>2 MR. GARDNER: Sounds like you're speculating.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 MR. GARDNER: You're speculating --</p> <p>5 THE WITNESS: That's speculation, yes.</p> <p>6 MR. JONES: Objection to form.</p> <p>7 THE WITNESS: But that's one of the -- the</p> <p>8 known facts that fire seeks oxygen, and they're</p> <p>9 going seek an open spot.</p> <p>10 QUESTIONS BY MR. GARDNER:</p> <p>11 Q. What is the -- I'm on exhibit, I think it's DD,</p> <p>12 Page 9. There's a little red can here at the</p> <p>13 bottom. Do you see that?</p> <p>14 A. Yes.</p> <p>15 MR. JONES: Same objection.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. Is that full of kerosene?</p> <p>18 MR. JONES: Objection, foundation.</p> <p>19 THE WITNESS: I don't know what's in it.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. 'Cause you didn't look.</p> <p>22 A. No, I did not look in there.</p> <p>23 MR. JONES: Same objection.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. Do your photographs taken at some point of the</p>	<p style="text-align: right;">Page 157</p> <p>1 of the fire --</p> <p>2 MR. JONES: Objection to form.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. -- couldn't you?</p> <p>5 A. I -- if I did not believe his statement to me that</p> <p>6 it had not been used, him being the manager, I</p> <p>7 probably would have followed through with that a</p> <p>8 little bit more. But given the fact that he told</p> <p>9 me that since the other heaters have not been --</p> <p>10 had only been installed for two months, they have</p> <p>11 not had to utilize those -- the salamander heaters</p> <p>12 because of sufficient heat in the building.</p> <p>13 Q. So you thought Fred Jones -- statements of Fred</p> <p>14 Jones were reliable and dependable, correct?</p> <p>15 MR. JONES: Objection to form.</p> <p>16 THE WITNESS: Yes. I would say so, yes.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. Can you go to Exhibit D? It's a seven-page</p> <p>19 exhibit.</p> <p>20 A. D itself?</p> <p>21 Q. Yes, sir.</p> <p>22 MR. GARDNER: It might be in the other binder.</p> <p>23 THE WITNESS: The other book.</p> <p>24 MR. JONES: Yep. Trade you again.</p> <p>25 THE WITNESS: Okay.</p>

<p style="text-align: right;">Page 158</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Apologize. I do have to wrap up some more</p> <p>3 questions or at least one question on Exhibit DD,</p> <p>4 Page 10. I'm just gonna hand it to you. You don't</p> <p>5 have to find it.</p> <p>6 A. Okay.</p> <p>7 Q. There is a machine in the -- sort of the right side</p> <p>8 of the photograph with some large yellow, I don't</p> <p>9 know, yellow and red swirly paints. Do you know</p> <p>10 what kind of that machine is?</p> <p>11 MR. JONES: Objection to foundation,</p> <p>12 relevance.</p> <p>13 THE WITNESS: I'm not for sure, but I believe</p> <p>14 it's a pressure washer.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Okay. On Page 11 of Exhibit DD -- here you go --</p> <p>17 on the far left top side of the photograph, Jim,</p> <p>18 there's another type of device. Do you know what</p> <p>19 that -- you can hold it.</p> <p>20 A. That's a spray paint --</p> <p>21 MR. JONES: Same objections.</p> <p>22 THE WITNESS: -- machine.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. Okay. Do you know what type of spray paint machine</p> <p>25 had been used in building number 1 prior to the</p>	<p style="text-align: right;">Page 160</p> <p>1 see the initials LVI at the top?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And says Republic Waste Service, fire site</p> <p>4 inspection, right?</p> <p>5 A. Yes.</p> <p>6 Q. Dated March 3rd, 2020, right?</p> <p>7 A. Yes.</p> <p>8 Q. Just two week -- couple weeks short of a year after</p> <p>9 the fire.</p> <p>10 A. Yes, sir.</p> <p>11 Q. Are you aware of any field notes created by either</p> <p>12 you or Lou Inendino or John Diggle --</p> <p>13 MR. HEHNER: Diggle.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. -- created at any date prior to March 3rd, 2020</p> <p>16 that are still in existence?</p> <p>17 A. No, I do not.</p> <p>18 Q. All right. So at the top left, Fred Jones' name is</p> <p>19 underlined, isn't it?</p> <p>20 A. Yes.</p> <p>21 Q. To tell you that the information Mr. Inendino's</p> <p>22 recording on Page 1 comes from Fred Jones?</p> <p>23 MR. JONES: Objection to foundation. He</p> <p>24 didn't write this.</p> <p>25 THE WITNESS: I don't know anything about this</p>
<p style="text-align: right;">Page 159</p> <p>1 fire on March 19th, 2019?</p> <p>2 MR. JONES: Objection, foundation.</p> <p>3 THE WITNESS: I have photographs of it. It</p> <p>4 was inside of a metal container.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. It was an airless sprayer, wasn't it?</p> <p>7 A. Yes.</p> <p>8 MR. JONES: Objection, foundation.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. What does that mean, an airless sprayer?</p> <p>11 MR. JONES: Objection, foundation.</p> <p>12 THE WITNESS: It was under pressure and didn't</p> <p>13 require air to operate.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. So it didn't require a compressor, right?</p> <p>16 A. Right, right.</p> <p>17 MR. JONES: Same objection.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Are you on Exhibit D?</p> <p>20 A. Yes.</p> <p>21 Q. All right. It's on Rimkus letterhead, Page 1.</p> <p>22 A. Yes.</p> <p>23 Q. And it's sheet 1 of 3?</p> <p>24 A. Yes.</p> <p>25 Q. You just look at the first page for now. Do you</p>	<p style="text-align: right;">Page 161</p> <p>1 particular note. And -- and there might -- he --</p> <p>2 it appears that Fred Jones is underlined. That's</p> <p>3 all I can say to this. So -- but I don't know why.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Were you present when Mr. Jones spoke -- sorry --</p> <p>6 when Mr. Inendino spoke to Fred Jones on March 3rd,</p> <p>7 2020?</p> <p>8 A. I don't recall any conversation. I mean, that must</p> <p>9 have been something he did on his own.</p> <p>10 Q. Did Mr. Inendino record, on Page 1 of the</p> <p>11 Exhibit D, that the main electrical power came in</p> <p>12 at the southeast corner of the building?</p> <p>13 MR. JONES: Objection to foundation.</p> <p>14 THE WITNESS: I don't see where it's at here</p> <p>15 real quick.</p> <p>16 MR. GARDNER: Near the top.</p> <p>17 THE WITNESS: Okay. Yeah, third line down</p> <p>18 you're talking about.</p> <p>19 MR. GARDNER: Yeah.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Does that comport with your exam -- site</p> <p>22 examinations?</p> <p>23 A. Yes.</p> <p>24 Q. All right.</p> <p>25 A. Main --</p>

<p style="text-align: right;">Page 162</p> <p>1 Q. The next line beneath it, Jim, says, Generator used</p> <p>2 to run on methanol from the landfill. I think it</p> <p>3 says terminated. You see that?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever observe a generator in building</p> <p>6 number 1 that ran on methanol?</p> <p>7 MR. JONES: Objection to foundation.</p> <p>8 THE WITNESS: No, I did not observe the</p> <p>9 generator.</p> <p>10 QUESTIONS BY MR. GARDNER:</p> <p>11 Q. Can you comment or elaborate any further on that</p> <p>12 sentence?</p> <p>13 MR. JONES: Same objection.</p> <p>14 THE WITNESS: I was -- I was just told they</p> <p>15 transferred everything over to electric power, and</p> <p>16 they just no longer used that system in the</p> <p>17 building --</p> <p>18 MR. GARDNER: Okay, thanks.</p> <p>19 THE WITNESS: -- for several reasons.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Next sentence, Jim, says, New -- I think it says</p> <p>22 corners or covers done a while back. Do you know</p> <p>23 what that's in reference to?</p> <p>24 MR. JONES: Objection to foundation. Calls</p> <p>25 for --</p>	<p style="text-align: right;">Page 164</p> <p>1 THE WITNESS: There was no testing done.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Of the electrical components including these</p> <p>4 electrical panels, right?</p> <p>5 A. Correct.</p> <p>6 MR. JONES: Same objections.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. It next says, Three overhead doors and one on the</p> <p>9 other side. Far door had electric. All others</p> <p>10 were manual. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Would that be your understanding that the white</p> <p>13 door on the far south side of the building number 1</p> <p>14 in Exhibit Z is -- was electrically operated, but</p> <p>15 the two blue ones were not?</p> <p>16 MR. JONES: Objection to form, foundation.</p> <p>17 MR. GARDNER: He --</p> <p>18 MR. JONES: Misstates the document. It</p> <p>19 doesn't say --</p> <p>20 THE WITNESS: I don't know anything about this</p> <p>21 pape -- paper. But I -- I assume that there --</p> <p>22 they would have to be correct, yes. If it came</p> <p>23 from Fred Jones; he knows about the facility.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. So these seven pages of Exhibit D, you never looked</p>
<p style="text-align: right;">Page 163</p> <p>1 THE WITNESS: No --</p> <p>2 MR. JONES: -- speculation.</p> <p>3 THE WITNESS: -- I do not.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. The next says, A number of electrical panels for</p> <p>6 building. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. You agree with that, don't you?</p> <p>9 A. Yes.</p> <p>10 MR. JONES: Objection to foundation.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. You observed numerous electrical panels inside of</p> <p>13 building number 1 in your site inspections.</p> <p>14 A. Yes.</p> <p>15 Q. And you photographed them.</p> <p>16 A. I photographed some that -- in the -- the exterior</p> <p>17 of the building and also photographed some</p> <p>18 throughout the building.</p> <p>19 Q. Yeah. I'm just referring to building number --</p> <p>20 A. Building 1 as well, yes.</p> <p>21 Q. Right. But you didn't collect any of that, did</p> <p>22 you?</p> <p>23 A. No, we did not.</p> <p>24 Q. It was never tested, was it?</p> <p>25 MR. JONES: Objection to foundation.</p>	<p style="text-align: right;">Page 165</p> <p>1 at and never read, never considered nor took into</p> <p>2 consideration, when reaching your cause-and-origin</p> <p>3 opinions expressed, I think it was December of</p> <p>4 2022. Right?</p> <p>5 A. No. I've never seen these -- this information.</p> <p>6 Q. So you couldn't have utilized it or considered it</p> <p>7 when you reached your cause-and-origin opinions,</p> <p>8 could you?</p> <p>9 A. No, I could not.</p> <p>10 Q. Okay. Just barely past the halfway down Page 1,</p> <p>11 Exhibit D, Jim, Lou Inendino recorded, Korte Does</p> <p>12 It All --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- did lighting upgrade just in the two paint bays.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Were you aware of that before today?</p> <p>18 A. Yes, I was.</p> <p>19 Q. Okay. It's recorded that the structure had a</p> <p>20 shingle roof, right? You see that?</p> <p>21 A. That's what's recorded, yes.</p> <p>22 Q. Did you know that --</p> <p>23 A. Corrugated metal underneath of it.</p> <p>24 Q. Yeah. What kind of shingles, asphalt?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. Do you know the components of asphalt, the asphalt 2 shingles that were on top of building 1 at the time 3 of the fire? 4 MR. JONES: Objection to foundation. 5 THE WITNESS: I did not see any remains of any 6 asphalt shingles. 7 QUESTIONS BY MR. GARDNER: 8 Q. They were consumed by the fire? 9 A. Yes. 10 Q. Because it was made out of tar and var -- tar 11 components combust? 12 MR. JONES: Objection foundation, form. 13 THE WITNESS: Yeah. They're made out of 14 petroleum products, yes. 15 MR. GARDNER: Yeah. 16 THE WITNESS: They don't -- 17 QUESTIONS BY MR. GARDNER: 18 Q. How did you exclude the tar shingles as being the 19 source of either the medium or heavy petroleum 20 distillates found as a result of Sharee Wells' 21 testing of the items you sent down to her? 22 MR. JONES: Objection to foundation. 23 MR. GARDNER: Dur -- as a result of cross 24 contamination during fire -- during the fire. 25 MR. JONES: Objection to form, foundation.</p>	<p style="text-align: right;">Page 168</p> <p>1 ventilation -- 2 QUESTIONS BY MR. GARDNER: 3 Q. Which one brought air in -- oh, sorry, strike that. 4 Did they both bring air into this building 1, or 5 did they both exhaust air out of building 1, or -- 6 A. No. 7 Q. -- some other combination? 8 MR. JONES: Objection to foundation. 9 THE WITNESS: They -- the rear one brought air 10 in, and the front one brought air out, is the way I 11 always understand it. 12 QUESTIONS BY MR. GARDNER: 13 Q. Okay. And that's recorded by Lou Inendino on 14 Page 1 of Exhibit D, isn't it? Fan on the back 15 brought fresh air in. 16 A. I don't -- 17 MR. JONES: Objection to foundation. 18 THE WITNESS: Yes. 19 MR. GARDNER: Okay. 20 QUESTIONS BY MR. GARDNER: 21 Q. At the bottom it's recorded, New heaters. Didn't 22 pay attention to overspray -- 23 A. Yes. 24 Q. -- because they weren't there long. Paint came 25 out, 55-gallon drum, all blue. You see that?</p>
<p style="text-align: right;">Page 167</p> <p>1 THE WITNESS: Well, I -- obviously the 2 shingles were com -- completely destroyed 'cause 3 there wasn't any shingles remaining, number one. 4 Number two, all the elect -- the electrical or the 5 metal panels were -- that made up the roof were 6 laying on top of everything. So there -- there 7 would not have been any residue likely to -- to get 8 down inside of the -- of the heaters or inside of 9 the tubes of -- that circumstance. 10 And number -- I guess the third thing is, when 11 I sent the lab report in to confirm everything for 12 the paint sample, the paint sample came back as 13 positive as well. The liquid version of it. 14 QUESTIONS BY MR. GARDNER: 15 Q. The room, building number 1, had some ventilation 16 systems, didn't it? You can look at Exhibit Z for 17 the question. 18 A. Okay. Yes. 19 Q. You're aware of that, right? 20 A. Yes. 21 Q. How many exhaust fans or intake fans were there on 22 the day of the fire in building 1 in Exhibit Z? 23 MR. JONES: Objection to foundation. 24 THE WITNESS: I was told there was one at the 25 rear and one at the front. It was kind of a cross</p>	<p style="text-align: right;">Page 169</p> <p>1 A. Yes. 2 Q. Okay. So as far as you know, any paint inside of 3 building number 1 at the day of the fire was in 4 55-gallon drums. 5 A. Yes. 6 MR. JONES: Objection to foundation. 7 QUESTIONS BY MR. GARDNER: 8 Q. None -- none of it was in gallon cans, was it? 9 MR. JONES: Same objection. 10 THE WITNESS: To my knowledge, no. They had 11 it in 55-gallon drums. 12 MR. GARDNER: Okay. 13 QUESTIONS BY MR. GARDNER: 14 Q. Page 2 of Exhibit D, Jim. 15 A. Yes. 16 Q. Again, this -- these notes are handwritten by Lou 17 Inendino on March 3rd, 2020. 18 A. Yes. 19 Q. All right. Near the top it says, Tool room doorway 20 still there. Do you know what he's talking about? 21 MR. JONES: Objection to foundation; calls for 22 speculation. 23 THE WITNESS: Well, they -- yeah, I know what 24 room he's talking about. They had a -- a room, a 25 storage room and a thing to the south, very south</p>

<p style="text-align: right;">Page 170</p> <p>1 end with a dividing wall, separated that room from</p> <p>2 the other bay areas. And they stored tools in</p> <p>3 'cause they could lock the doors.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Okay. And so for reference, looking at Exhibit Z,</p> <p>6 Page 2, the tool room, as you understand it to be,</p> <p>7 was located -- would have been located in the space</p> <p>8 behind the most southern white door, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And that was an unheated space, wasn't it?</p> <p>11 MR. JONES: Objection to foundation.</p> <p>12 THE WITNESS: As for as I know, yes, it was</p> <p>13 unheated. There was no tube heaters in that -- in</p> <p>14 the space.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Maybe a salamander heater?</p> <p>17 MR. JONES: Objection to foundation; calls</p> <p>18 for --</p> <p>19 THE WITNESS: There was no --</p> <p>20 MR. JONES: -- speculation.</p> <p>21 THE WITNESS: -- salamander heaters located in</p> <p>22 that space either.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. Where was the salamander heater located?</p> <p>25 A. It was --</p>	<p style="text-align: right;">Page 172</p> <p>1 THE WITNESS: -- if and when they used them.</p> <p>2 Because --</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. This notation makes no reference to when, does it?</p> <p>5 A. No.</p> <p>6 Q. Because you didn't talk to Dale Calle or Terry</p> <p>7 Reader, right?</p> <p>8 MR. JONES: Objection to form --</p> <p>9 THE WITNESS: I talked to the manager --</p> <p>10 MR. JONES: -- foundation.</p> <p>11 THE WITNESS: -- of the facility. He said</p> <p>12 they hadn't been used.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Okay. Then it says the heaters were -- I think it</p> <p>15 says at 70 or 75 degrees per Fred?</p> <p>16 A. Yes.</p> <p>17 Q. And then Jim Foster and Kyle said the heaters were</p> <p>18 at 60 -- set at 60 degrees Fahrenheit?</p> <p>19 A. That's what Kyle told me, yes.</p> <p>20 Q. All right.</p> <p>21 A. They turn them down of an -- of an evening.</p> <p>22 Q. Right. And then beneath that it says, Fred thinks</p> <p>23 thermostat higher than that, right? Higher than</p> <p>24 60.</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 171</p> <p>1 MR. JONES: Same objections.</p> <p>2 THE WITNESS: -- it was back towards the back</p> <p>3 about probably 25 feet.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. In the room where they spray painted?</p> <p>6 A. Yes.</p> <p>7 Q. Further down Page 2, Exhibit D, notes by Lou</p> <p>8 Inendino from talking to Fred Jones. It says,</p> <p>9 Always -- always turned off -- wait a minute. Old</p> <p>10 heaters always turned off for painting. Do you see</p> <p>11 that?</p> <p>12 MR. JONES: Objection to form.</p> <p>13 THE WITNESS: Yes.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Near it it says, Used salamanders for paint cans.</p> <p>16 Do you see that?</p> <p>17 A. I don't know where that's at for sure. Okay.</p> <p>18 Always heaters turned off for painting. Used</p> <p>19 salamanders.</p> <p>20 Q. For paint cans.</p> <p>21 A. For paint cans.</p> <p>22 Q. Right.</p> <p>23 MR. JONES: Objection to foundation --</p> <p>24 THE WITNESS: I don't know when --</p> <p>25 MR. JONES: -- form.</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. Okay. And then it says, MIG welder kept in the</p> <p>2 tool room, right?</p> <p>3 A. Yes.</p> <p>4 Q. Did you find the remains of a MIG welder in the</p> <p>5 tool room that we've already talked about?</p> <p>6 A. There was remains in there. I don't know what type</p> <p>7 of welder it was. But there was remains in that</p> <p>8 tool room.</p> <p>9 Q. And you didn't collect it, did you?</p> <p>10 A. No, I did not.</p> <p>11 Q. And you didn't collect the salamander, did you?</p> <p>12 A. No.</p> <p>13 Q. And then it says, Minor welding done near southeast</p> <p>14 corner. You see that?</p> <p>15 A. Yes.</p> <p>16 Q. You have any reason to dispute that?</p> <p>17 A. No.</p> <p>18 Q. Okay. Next, Page 3 of Exhibit D, about halfway --</p> <p>19 roughly halfway down, Jim. It says, Main circuit</p> <p>20 panel located southeast corner?</p> <p>21 A. Yes. It would be --</p> <p>22 Q. You agree with that --</p> <p>23 MR. JONES: Objection to form, foundation.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. -- based on your investigation?</p>



<p style="text-align: right;">Page 174</p> <p>1 A. Yes.</p> <p>2 Q. Okay. It says heaters mounted nine feet above</p> <p>3 slab. Do you see that?</p> <p>4 MR. JONES: Objection to form.</p> <p>5 THE WITNESS: I'm assuming that's -- I don't</p> <p>6 see that on here. But --</p> <p>7 MR. GARDNER: It's right next to the main</p> <p>8 circuit southeast corner.</p> <p>9 MR. JONES: It's right here.</p> <p>10 THE WITNESS: Okay. Heater mounted nine feet</p> <p>11 above -- yes.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. Do you have any reason to dispute it?</p> <p>14 MR. JONES: Objection --</p> <p>15 THE WITNESS: No.</p> <p>16 MR. JONES: -- to foundation.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. You've seen no evidentiary basis or deposition</p> <p>19 testimony that indicates otherwise?</p> <p>20 A. No.</p> <p>21 Q. Is the fact that they were located nine feet off</p> <p>22 the floor important or relative at all to your</p> <p>23 cause-and-origin opinions?</p> <p>24 MR. JONES: Objection to form.</p> <p>25 THE WITNESS: I -- I think nine feet off the</p>	<p style="text-align: right;">Page 176</p> <p>1 in this -- the room would also affect how -- where</p> <p>2 it goes and where it lands.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. Was the ventilation in building number 1 on</p> <p>5 March 19th, 2019 operating the fans?</p> <p>6 MR. JONES: Objection to --</p> <p>7 THE WITNESS: I have no knowledge --</p> <p>8 MR. JONES: -- foundation.</p> <p>9 THE WITNESS: -- of that, if it was functional</p> <p>10 or not. I was -- I was told that they -- the --</p> <p>11 sometimes they're used and sometimes not. Depends</p> <p>12 on how much --</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. So when they're --</p> <p>15 A. -- water they use.</p> <p>16 Q. -- draw air in from the back through a fan and</p> <p>17 expel it through the front --</p> <p>18 A. Right.</p> <p>19 Q. -- which would be the east side, that would stir up</p> <p>20 the paint in the room and allow it to maybe get up</p> <p>21 higher. Is that what you're saying?</p> <p>22 MR. JONES: Objection to --</p> <p>23 THE WITNESS: I'm not saying --</p> <p>24 MR. JONES: -- foundation.</p> <p>25 THE WITNESS: -- that at all. I'm just saying</p>
<p style="text-align: right;">Page 175</p> <p>1 floor is -- you know, it's only basically three to</p> <p>2 four feet above an awe -- a human being basically,</p> <p>3 five feet above your head. Or four foot above your</p> <p>4 head; depends on how tall somebody is. And this is</p> <p>5 why I was mentioning the fact that in the other</p> <p>6 building I referred to earlier with the heater,</p> <p>7 it's, like, 14 feet up.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. So it's --</p> <p>10 A. So it's much higher.</p> <p>11 Q. -- way harder to stand on heaters, like, 14,</p> <p>12 15 feet up than nine feet, right?</p> <p>13 MR. JONES: Objection to form and foundation.</p> <p>14 THE WITNESS: Right. It would probably come</p> <p>15 down before it continued up.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. Yeah. And if they're 15-foot high, 14-foot high,</p> <p>18 paint's gonna hit the floor rather than drift all</p> <p>19 the way up, right?</p> <p>20 MR. JONES: Same objections.</p> <p>21 THE WITNESS: I -- I'm -- I'm not privy to how</p> <p>22 much weight the -- the paint weighs, or whatever,</p> <p>23 and the particles weigh. But it would --</p> <p>24 obviously, the weight of the particles would affect</p> <p>25 how high it would go, number one. And ventilation</p>	<p style="text-align: right;">Page 177</p> <p>1 I don't know the circulation is in the room and how</p> <p>2 it affects that. I wasn't there when the building</p> <p>3 was obviously operational so -- to know.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Next line, it says, Paint on mist, in quotes, would</p> <p>6 go up 24 inches. You see that?</p> <p>7 A. Yes.</p> <p>8 Q. Then tell the -- tell the jury what the next words</p> <p>9 are after that. Just read that out loud.</p> <p>10 A. And then come back down?</p> <p>11 MR. JONES: Objection.</p> <p>12 MR. GARDNER: Come back down to the floor.</p> <p>13 MR. JONES: Same objections.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Right?</p> <p>16 A. That's what statement is on here, yes.</p> <p>17 Q. Right.</p> <p>18 A. That doesn't explain though the fact that there was</p> <p>19 heat -- or paint on the deflectors and on the --</p> <p>20 the heater tubes themselves --</p> <p>21 Q. It's incongruent with that.</p> <p>22 A. -- and how that --</p> <p>23 Q. It's incongruent information, isn't it?</p> <p>24 A. Right. It's not information that I would deem</p> <p>25 liable [sic] based on what I saw.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. After the fire.</p> <p>2 A. After the fire.</p> <p>3 Q. 'Cause you're never in the room before the fire.</p> <p>4 A. No.</p> <p>5 Q. And at no time did you ever obtain -- did you ever</p> <p>6 obtain any photos taken inside building -- building</p> <p>7 number 1 taken before the fire showing the</p> <p>8 conditions, did you?</p> <p>9 A. I did not.</p> <p>10 Q. Have you ever seen any?</p> <p>11 A. I -- I don't think I have. Except for I think one</p> <p>12 of the -- I thought I saw something about inside</p> <p>13 of -- online or something or --</p> <p>14 Q. Yeah, okay.</p> <p>15 A. -- on the -- one of the report.</p> <p>16 Q. Continuing after the phrase, written by Lou</p> <p>17 Inendino, after talking to Fred Jones, that starts</p> <p>18 out with, Paint on mist would go up 24 inches then</p> <p>19 come back down. Sprayer not too old from</p> <p>20 Sherwin -- Sherwin Williams, airless. And could</p> <p>21 you read the rest of the sentence.</p> <p>22 A. It says here, It could not spray up and hit</p> <p>23 heaters.</p> <p>24 Q. And that came from Fred Jones, didn't it?</p> <p>25 MR. JONES: Same objections, form, foundation.</p>	<p style="text-align: right;">Page 180</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. And you've never --</p> <p>3 A. -- there.</p> <p>4 Q. -- seen any photographs contradicting that</p> <p>5 information --</p> <p>6 A. No --</p> <p>7 Q. -- have you?</p> <p>8 A. -- I have not.</p> <p>9 Q. Okay. Continuing with that sentence and finishing.</p> <p>10 Lou Inendino recorded March 3rd, 2020, in talking</p> <p>11 to Fred Jones, who you said you relied on,</p> <p>12 Overspray would be --</p> <p>13 MR. JONES: Object --</p> <p>14 MR. GARDNER: -- drawn into the filters.</p> <p>15 MR. JONES: Objection to -- objection to form,</p> <p>16 foundation.</p> <p>17 THE WITNESS: Well, the filters were at --</p> <p>18 were at the -- the fans that -- particularly the</p> <p>19 front fan that blows the -- to circulate out. And</p> <p>20 the filter was there, and it filtered the air going</p> <p>21 to the outside. And that's an environmental</p> <p>22 requirement, so to speak, for any type of a paint</p> <p>23 booth or paint area.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. Do you have some idea there was a paint booth in</p>
<p style="text-align: right;">Page 179</p> <p>1 THE WITNESS: Yeah. He's talking 'pecifically</p> <p>2 about the sprayer. Depend on how they have it</p> <p>3 ang -- there's a lot of issues involved in that and</p> <p>4 explanations that that does not cover. Number one</p> <p>5 is, where does the vapors go? How would the</p> <p>6 ventilation affect where the -- everything goes?</p> <p>7 And why did everybody say that they had blue paint</p> <p>8 everywhere in the facility, all over the place?</p> <p>9 So if that would have been the case, then</p> <p>10 obviously it would not have been just -- it only</p> <p>11 been 24 inches away from where they were painting.</p> <p>12 And that's not what the --</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. So you understand --</p> <p>15 A. -- information was.</p> <p>16 Q. -- say you and I had been in there a month before</p> <p>17 the fire taking pictures inside of building</p> <p>18 number 1, as low -- as shown on Exhibit Z, we would</p> <p>19 have seen blue paint floor to ceiling, up on the</p> <p>20 ceiling, on the heaters. That's what you're</p> <p>21 saying.</p> <p>22 A. That's the --</p> <p>23 MR. JONES: Objection to foundation, form.</p> <p>24 THE WITNESS: -- that's the description I was</p> <p>25 given by the employees working --</p>	<p style="text-align: right;">Page 181</p> <p>1 building number 1?</p> <p>2 MR. JONES: Objection to foundation.</p> <p>3 THE WITNESS: I don't think it's a paint</p> <p>4 booth, obviously. It doesn't meet any requirements</p> <p>5 for a paint booth. It does meet requirement for a</p> <p>6 painting area or a spray area.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. And then Fred Jones' phone number's recorded?</p> <p>9 A. Yes.</p> <p>10 MR. JONES: Objection to foundation.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. Why didn't you include in either of your reports</p> <p>13 the information obtained from Lou Inendino on</p> <p>14 March 3rd, 2020 from the manager of the facility in</p> <p>15 question, Fred Jones, about the blue paint could</p> <p>16 not spray up and hit the heaters? Why didn't you</p> <p>17 put that in your report?</p> <p>18 MR. JONES: Objection to form.</p> <p>19 THE WITNESS: Because it -- they -- I'm not</p> <p>20 saying that they took the spray gun and -- and</p> <p>21 sprayed the heaters with it. I'm saying that the</p> <p>22 overspray and the air ventilation systems and the</p> <p>23 -- the overs -- the -- was sprayed in a manner to</p> <p>24 which the circulation of those products landed on</p> <p>25 everything in the building, according to</p>

<p style="text-align: right;">Page 182</p> <p>1 information that I was given.</p> <p>2 MR. GARDNER: When you say --</p> <p>3 THE WITNESS: And I think in this thing</p> <p>4 they're talking about 24 inches is how far the --</p> <p>5 the sprayer will actually spray as for as to paint.</p> <p>6 They're not talking about spraying -- whether the</p> <p>7 mist that's generated would go.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Did you go over these notes before this deposition</p> <p>10 started?</p> <p>11 A. No, I did not. I haven't seen these notes before.</p> <p>12 Q. Can you go to the next page, Page 4 of Exhibit D.</p> <p>13 Now, these notes are also dated March 3rd, 2020.</p> <p>14 You were -- you were at the site that day, right?</p> <p>15 A. Yes.</p> <p>16 Q. And these are by JDHD, right?</p> <p>17 A. Yes.</p> <p>18 Q. You and I (unintelligible) John Diggle?</p> <p>19 A. Yes.</p> <p>20 Q. The EE you brought with you.</p> <p>21 A. Uh-huh.</p> <p>22 Q. Yes?</p> <p>23 A. Yes.</p> <p>24 Q. All right. And couple lines down, doesn't --</p> <p>25 didn't he record, that is John Diggle, Republic</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Can you go to the next Page 5, Exhibit D.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Still these are the handwritten notes of John</p> <p>4 Diggle taken March 3rd, '20 and talking to Fred</p> <p>5 Jones, right?</p> <p>6 A. Yes.</p> <p>7 Q. Fred Jones referred to as the container shop lead,</p> <p>8 right?</p> <p>9 A. Uh-huh.</p> <p>10 Q. He'd worked there for 11 years, right?</p> <p>11 A. Yeah, he -- they -- he referred to me as he was a</p> <p>12 manager. But I'm sure that's --</p> <p>13 Q. Right. And did Mr. Diggle make this diagram on</p> <p>14 Page 5 of Exhibit D?</p> <p>15 MR. JONES: Objection to form, foundation.</p> <p>16 THE WITNESS: I would assume so since this is</p> <p>17 his documentation.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. All right. Go to the last page of Exhibit D,</p> <p>20 Page 7. Why is it that John Diggle and Lou</p> <p>21 Inendino were the ones taking notes from Fred Jones</p> <p>22 instead of you?</p> <p>23 MR. JONES: Objection to form, foundation;</p> <p>24 calls for speculation.</p> <p>25 THE WITNESS: Well, I had already spoken to</p>
<p style="text-align: right;">Page 183</p> <p>1 bought the building in 1965?</p> <p>2 MR. JONES: Objection to foundation. Document</p> <p>3 speaks for itself.</p> <p>4 THE WITNESS: Yes.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. Down at the bottom it says -- you see the reference</p> <p>7 to time, 10:50?</p> <p>8 A. Yes.</p> <p>9 Q. Bottom left, Jim.</p> <p>10 A. Uh-huh.</p> <p>11 Q. And Mr. Diggle recorded, SERVPRO at north end of</p> <p>12 building, smelled smoke, found fire, took cell</p> <p>13 phone videos? You see all that?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Tell us about your efforts or anybody</p> <p>16 from Rimkus efforts to speak with these SERVPRO</p> <p>17 people.</p> <p>18 MR. JONES: Objection to form.</p> <p>19 THE WITNESS: I made contact with SERVPRO on</p> <p>20 the -- the day of the fire, first inspection. But</p> <p>21 they would not give me any information about who</p> <p>22 the employees were, any information at all. They</p> <p>23 -- they said that they could not release any</p> <p>24 information in that regard.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>	<p style="text-align: right;">Page 185</p> <p>1 him, but I think -- he was there the day of the</p> <p>2 examination. And obviously I did not -- I was</p> <p>3 involved in the aspect of collecting evidence and</p> <p>4 things of that nature. And John Diggle obviously</p> <p>5 was not involved in the -- doing that. So I'm</p> <p>6 assuming, by this notation, he was talking to</p> <p>7 people and utilizing his time to get information</p> <p>8 from them or whatever. I don't know.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. You don't let people employed with Rimkus take</p> <p>11 notes that aren't accurate note takers, do you?</p> <p>12 MR. JONES: Objection to form.</p> <p>13 THE WITNESS: No, I don't.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. See, this is the first time I've seen John Diggle's</p> <p>16 writing in my whole life. You've seen it prior in</p> <p>17 other cases, haven't you?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. See if I read it right. Page 7, Electric</p> <p>20 enters at south end of building. Extensive thermal</p> <p>21 dam -- damage to the breakers. All charred.</p> <p>22 Switch boxes in four-inch junction box destroyed.</p> <p>23 Have I read that right?</p> <p>24 A. Yes.</p> <p>25 MR. JONES: Objection to form, foundation.</p>

<p style="text-align: right;">Page 186</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Conduit is destroyed and in pieces. Fire melt</p> <p>3 extensive to copper conductors? Conductor?</p> <p>4 MR. JONES: Objection, foundation --</p> <p>5 THE WITNESS: Yeah. I --</p> <p>6 MR. JONES: -- document speaks for itself.</p> <p>7 THE WITNESS: That -- that could be the,</p> <p>8 obviously, what his -- what there was visual at the</p> <p>9 time of the examination. That doesn't mean that</p> <p>10 was the cause of the fire or anything.</p> <p>11 MR. GARDNER: Nobody asked you about cause of</p> <p>12 the fire at this point.</p> <p>13 THE WITNESS: Okay.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. To your understanding that -- wait a minute. Is it</p> <p>16 the case that none of the electrical systems,</p> <p>17 including those mentioned on Page 7 of Exhibit D,</p> <p>18 were collected due to the amount of extensive</p> <p>19 damage to them? That play a role in not collecting</p> <p>20 it?</p> <p>21 A. It did not play a role in not collecting it. The</p> <p>22 information that was obtainable to us was where the</p> <p>23 fire originated from and was stated to us it was</p> <p>24 high in the building. And it was, at the time,</p> <p>25 based on the electrical components being in --</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Or it would have been collected.</p> <p>2 Q. Can you go to the Exhibit E. It's just a one-page</p> <p>3 exhibit.</p> <p>4 A. (Witness complies.)</p> <p>5 Q. This is a typed-up page rather than handwritten</p> <p>6 notes. It looks like it's attributed to Fred</p> <p>7 Jones, container shop manager. Have you seen this</p> <p>8 before?</p> <p>9 A. No, I have not.</p> <p>10 Q. Who -- who prepared this? Who typed this up?</p> <p>11 MR. JONES: Objection to foundation.</p> <p>12 THE WITNESS: I have no knowledge --</p> <p>13 MR. JONES: He just said he's never seen it.</p> <p>14 THE WITNESS: -- of that.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. What?</p> <p>17 A. I have no knowledge of who typed this up.</p> <p>18 Q. You've never seen it before today?</p> <p>19 A. No, I have not.</p> <p>20 MR. JONES: Asked and answered.</p> <p>21 MR. GARDNER: Would this be a good time to</p> <p>22 take a --</p> <p>23 THE STENOGRAPHIC REPORTER: Yes.</p> <p>24 MR. JONES: Yeah. Now's a great time to take</p> <p>25 a break.</p>
<p style="text-align: right;">Page 187</p> <p>1 with -- in conduit, and things of that nature, that</p> <p>2 the likelihood of this would be very minimal.</p> <p>3 All this here was a hypothesis that we looked</p> <p>4 at, same -- using the scientific method. And that</p> <p>5 hypothesis was ruled out basically on the aspect of</p> <p>6 there was nothing that would indicate that the fire</p> <p>7 started in the electrical by those that are in</p> <p>8 attendance. And, second of all, is everybody in</p> <p>9 attendance had an opportunity, if they wanted</p> <p>10 something collected, no matter whether it was me or</p> <p>11 anybody, we -- we always do that.</p> <p>12 Q. Now, wait a minute. Are you denying that you were</p> <p>13 asked by the electrical engineers, by -- by the</p> <p>14 defendants and the cause and origin -- my</p> <p>15 cause-and-origin expert asked you for, and Rimkus,</p> <p>16 to collect the electrical systems? Are you</p> <p>17 denying --</p> <p>18 A. No. I did not deny anything, and I would never</p> <p>19 deny anything like that. They have an opportunity</p> <p>20 to request it.</p> <p>21 Q. And they did.</p> <p>22 A. And nobody did.</p> <p>23 Q. Are you sure?</p> <p>24 A. I'm positive.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 189</p> <p>1 THE VIDEOGRAPHER: This ends media two. The</p> <p>2 local time's 2:33. We are off the record.</p> <p>3 (A brief recess was taken.)</p> <p>4 THE VIDEOGRAPHER: This begins media three.</p> <p>5 The local time is 2:45, and we are on the record.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Jim, on Page 2 of your first report, marked as</p> <p>8 Exhibit F, roughly two-thirds of the way down --</p> <p>9 tell me when you're there, Page 2.</p> <p>10 A. Okay. Uh-huh.</p> <p>11 Q. It says there had been no problems related to the</p> <p>12 heat prior to the fire event. You see that?</p> <p>13 MR. ZOCCOLA: What paragraph are you reading</p> <p>14 from?</p> <p>15 MR. GARDNER: Fifth.</p> <p>16 THE WITNESS: The third paragraph?</p> <p>17 MR. GARDNER: Fifth.</p> <p>18 THE WITNESS: The fifth one? Oh, that would</p> <p>19 be the fourth one you're talking about. Three</p> <p>20 space heaters?</p> <p>21 MR. GARDNER: Yeah, that's the one.</p> <p>22 THE WITNESS: Okay. All right.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. You wrote at the end, There had been no problems</p> <p>25 related to the heat prior to the fire event.</p>

<p style="text-align: right;">Page 190</p> <p>1 A. Yes.</p> <p>2 Q. Do you mean the heaters or you mean the heat --</p> <p>3 heat system? What are you talking about?</p> <p>4 A. The heat -- the units themselves I'm talking about</p> <p>5 there.</p> <p>6 Q. According to the information from my client, they</p> <p>7 be -- these Space-Ray closed infrared tube heaters</p> <p>8 first became operational on February 4th, 2019.</p> <p>9 And this fire was 43 days later on March 19th,</p> <p>10 2019. Can you explain why there had not been a</p> <p>11 fire in the previous 43 days?</p> <p>12 MR. JONES: Objection to foundation.</p> <p>13 THE WITNESS: I cannot explain that type of</p> <p>14 sit -- I don't know how they were installed. I</p> <p>15 don't know if they were installed properly. I'm</p> <p>16 assuming they were, but I don't know that for a</p> <p>17 fact. And also the fact that I don't know how -- I</p> <p>18 was told that they spray paint seventeen to</p> <p>19 nineteen containers in there a day. So that's a</p> <p>20 lot of -- a lot of painting going on.</p> <p>21 So I don't know. There's certainly</p> <p>22 circumstances involved in that that I don't know.</p> <p>23 You know, it's just given the right conditions and</p> <p>24 the right time, that's when things happen.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>	<p style="text-align: right;">Page 192</p> <p>1 concise and --</p> <p>2 MR. GARDNER: I just made my record --</p> <p>3 MR. JONES: -- proper objections.</p> <p>4 MR. GARDNER: -- that's all.</p> <p>5 MR. JONES: That's fine.</p> <p>6 MR. GARDNER: We'll be moving for more time,</p> <p>7 if this doesn't --</p> <p>8 Can you read the last question.</p> <p>9 (The requested text was read by the court</p> <p>10 reporter.)</p> <p>11 MR. JONES: And if you'd like --</p> <p>12 MR. GARDNER: Recognize his --</p> <p>13 MR. JONES: -- same objection.</p> <p>14 MR. GARDNER: She just read it, Tom. You</p> <p>15 don't have to do it.</p> <p>16 MR. JONES: Well, I -- you're complaining --</p> <p>17 MR. GARDNER: Your objections were recorded.</p> <p>18 MR. JONES: If you can let me state my</p> <p>19 objection.</p> <p>20 MR. GARDNER: You already did.</p> <p>21 MR. JONES: You're -- you're asking a question</p> <p>22 about what conditions have changed. And I don't</p> <p>23 think he testified that any conditions had changed</p> <p>24 on the day of the fire. That's my objection.</p> <p>25 THE WITNESS: I don't know that any conditions</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. Tell us what conditions existed on March 19th, 2019</p> <p>2 that had not existed or were different from the</p> <p>3 previous 43 days.</p> <p>4 MR. JONES: Objection to foundation; misstates</p> <p>5 prior testimony.</p> <p>6 MR. GARDNER: Hold on a second. I'm gonna</p> <p>7 move for additional time for this deposition, if</p> <p>8 you don't knock it off with objections that aren't</p> <p>9 legally recognized, Thomas. You're taking up the</p> <p>10 whole deposition. Her fingers are --</p> <p>11 MR. JONES: They've been concise the whole</p> <p>12 deposition. I -- yours in other depositions have been</p> <p>13 the opposite. I -- I'm keeping it to, like, two</p> <p>14 words.</p> <p>15 MR. GARDNER: I'm just warning you.</p> <p>16 MR. ZOCCOLA: You read from notes for --</p> <p>17 MR. GARDNER: I'm allowed to read from notes.</p> <p>18 MR. ZOCCOLA: -- like, three hours.</p> <p>19 MR. JONES: No. The notes relying on --</p> <p>20 you're asking his opinion about what other people</p> <p>21 said in their notes. I'm going to object on that</p> <p>22 every day. Because he can't speculate as to what</p> <p>23 John Diggle may or may not have thought when he</p> <p>24 wrote his notes. And if your questions are</p> <p>25 gonna -- I -- I'm going to object. But they're</p>	<p style="text-align: right;">Page 193</p> <p>1 have changed. I just know that they're -- under</p> <p>2 certain conditions things happen. Other conditions</p> <p>3 they don't happen.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. You're -- but you're not aware --</p> <p>6 A. It --</p> <p>7 Q. -- of any changes?</p> <p>8 A. I'm not a -- aware of any changes that -- that</p> <p>9 occurred in this particular situation. But</p> <p>10 everything occurs given under certain conditions.</p> <p>11 And in these particular situation, I feel the</p> <p>12 conditions were right for this to -- to have</p> <p>13 happened.</p> <p>14 Q. But they weren't the right conditions for it to</p> <p>15 happen in the previous 43 days.</p> <p>16 A. Given the circumstances, obviously it didn't</p> <p>17 happen. So I'm assuming that the conditions</p> <p>18 weren't right at those -- at that time.</p> <p>19 Q. So far as you know, the heaters had been</p> <p>20 operational during the prior -- the 43 days after</p> <p>21 installation until the time of the fire?</p> <p>22 A. Yes, I would --</p> <p>23 Q. What I mean by that, Jim, is the temperatures were</p> <p>24 low enough in the room to call for heat.</p> <p>25 A. Yeah. It was in the winter time, actually.</p>



<p style="text-align: right;">Page 194</p> <p>1 Q. Right. You -- you didn't obtain any weather 2 records, did you, in this case? 3 A. I checked with weather. There -- the temp at the 4 time of day on this particular day was that -- 5 during the daytime was 47 degrees. 6 Q. What about the overnight low? 7 A. Overnight low went down to, like, 28, I believe it 8 was, on that particular day. Don't quote me. 9 Q. Did you look at the -- did you look at the weather 10 records all the way back to the date of first 11 operation of February 4th, 2019? 12 A. No. It's -- I'm -- that's during the wintertime, 13 so, I mean, it would be likely that those would be 14 operational almost 24 hours a day at certain times. 15 Q. Right. And so explain the ignition sequence of 16 these Space-Ray heaters that my client installed. 17 So the temperature drops and the thermostat calls 18 for the -- the room to be heated. 19 A. Right. 20 Q. Explain how that operates. What happens inside the 21 heater box? 22 A. Well, I'm not a mechanical engineer. But 23 generally -- the general knowledge that I know 24 about is there's electronic ignition that occurs. 25 Once the temperature drops, the thermostat calls</p>	<p style="text-align: right;">Page 196</p> <p>1 43 days before the fire, the source of the 2 combustible air was from outside of the room, 3 wasn't it -- 4 A. Yes. 5 Q. -- rather than inside air. 6 A. As for as the air that's supplied down through the 7 tube, yes. 8 Q. Yeah, okay. So have you done any research into the 9 preexisting Modine heaters that my client replaced. 10 There were three of them in the room. 11 A. I have not done any research on them as I was told 12 those were not -- no longer in operation or used 13 under normal circumstances unless it gets really 14 cold. And in this situation that they relied on 15 the three heaters that were installed. 16 Q. The new ones. 17 A. Yes. 18 Q. Do you know why, from any witness testimony or 19 deposition testimony, the three preexisting Modine 20 heaters were not functioning and needed replaced? 21 MR. JONES: Objection -- 22 THE WITNESS: No, I do not know why. 23 QUESTIONS BY MR. GARDNER: 24 Q. You hadn't been told they had clogged up with blue 25 paint mist and no longer could ignite?</p>
<p style="text-align: right;">Page 195</p> <p>1 for more heat and sends it to the -- a heater unit. 2 And basically it causes electronic ignition to 3 occur. There's a -- I believe a thermal resistor 4 in there that heats up and causes ignition to -- to 5 occur in the heater. 6 Q. Of propane gas? 7 A. Yes, of pro -- calls for pro -- a valve that opens 8 up and allows propane to come through and the 9 ignition occurs. 10 Q. Ignition of the propane gas. 11 A. Yes. 12 Q. Inside the box. 13 A. Inside the box. The -- that's the heater box, yes. 14 Q. Right. And then so this heat blows down through 15 the -- the tube. I think they're, like, 30 feet 16 long, right? 17 A. Yes. 18 Q. How -- do you know how it is propelled down inside 19 the tube? Is there a force of air or something? 20 A. I -- there's a fan -- 21 Q. Blowing -- 22 A. -- that blows it -- 23 Q. And -- 24 A. -- down through there. 25 Q. -- in this case -- in building number 1, in the</p>	<p style="text-align: right;">Page 197</p> <p>1 A. It would not surprise me that that would be the 2 case. 3 Q. And what was the source of combustible air inside 4 of the preexisting three Modine heaters that had 5 been in there for over a decade? 6 MR. JONES: Objection to foundation. 7 THE WITNESS: Well, they were standalone 8 heaters. So there was vents inside -- or in those 9 heaters that would've probably pulled just room air 10 in -- 11 MR. GARDNER: Including the paint. 12 THE WITNESS: -- as opposed to outside air -- 13 MR. GARDNER: Right. 14 THE WITNESS: -- yes. 15 QUESTIONS BY MR. GARDNER: 16 Q. So the old ones pulled in room air -- 17 A. Yes. 18 Q. -- correct? And the new ones did not. 19 A. Yes. 20 Q. Right. And do you know if in any of the buildings 21 currently -- strike that. Any of the buildings at 22 the Republic MacBeth facility still have those 23 different mode -- I'm sorry -- Modine heaters? 24 A. I did -- I did not go in any other of the buildings 25 other than the -- the -- that fire building and</p>



<p style="text-align: right;">Page 198</p> <p>1 the -- the --</p> <p>2 Q. Office?</p> <p>3 A. -- office.</p> <p>4 Q. So you didn't go --</p> <p>5 A. I think --</p> <p>6 Q. -- inside -- I'm sorry. I'm following you.</p> <p>7 A. Go ahead.</p> <p>8 Q. You didn't go inside building 3 or 4, did you?</p> <p>9 A. Yeah, I did.</p> <p>10 Q. Oh, you did? Did --</p> <p>11 A. They have some -- they have some heaters in there</p> <p>12 from -- similar to that. I didn't know what the</p> <p>13 brand were. But that was --</p> <p>14 Q. But they were --</p> <p>15 A. -- one of them --</p> <p>16 Q. -- the kind that combust from room air.</p> <p>17 A. Yes.</p> <p>18 Q. And let's say you and I had been in -- met together</p> <p>19 on March 18th, 2019 inside of building number 1 at</p> <p>20 the MacBeth facility where they were sometimes</p> <p>21 spray painting dumpsters, climbed up a ladder and</p> <p>22 examined these Modine heaters, would we be able to</p> <p>23 look without opening anything and see the open</p> <p>24 flames?</p> <p>25 MR. JONES: Objection to form, foundation.</p>	<p style="text-align: right;">Page 200</p> <p>1 A. It didn't just -- it didn't catch on fire,</p> <p>2 basically. It -- it ignited by the fact that it --</p> <p>3 it boiled off, the water boiled off of the paint.</p> <p>4 Which is, by their own statement, it becomes a</p> <p>5 Class II to Class, I think, IIIA and IIIB flammable</p> <p>6 material or combustible material.</p> <p>7 Q. Did you ever have a chemist check that, the</p> <p>8 difference between paint drying and boiling?</p> <p>9 A. Basically the -- I'm refer -- basically drying is</p> <p>10 going to take over a period of time and dry off.</p> <p>11 Boiling is actually boiling it off, so to speak.</p> <p>12 But essentially what you're doing is -- I -- better</p> <p>13 choice of words might be to just -- it basically</p> <p>14 would be dried on the -- on the system.</p> <p>15 Q. I'm talking about in the system. So you understand</p> <p>16 that in the burner boxes of the three Space-Ray</p> <p>17 units that my client installed, there was a fire</p> <p>18 when they were operating correctly.</p> <p>19 A. Right.</p> <p>20 Q. And you're saying that blue paint got in there and</p> <p>21 cause -- caused a different kind of fire?</p> <p>22 A. I don't --</p> <p>23 MR. JONES: Objection to form.</p> <p>24 THE WITNESS: -- that it caught fire inside</p> <p>25 the box itself. But it was close to the box within</p>
<p style="text-align: right;">Page 199</p> <p>1 THE WITNESS: I don't -- can't account for</p> <p>2 these particular heaters. I don't know how they</p> <p>3 were installed or how -- if there was any openings</p> <p>4 of -- in that -- that system or not. As for as</p> <p>5 what I'm basing some of my opinion on, obviously,</p> <p>6 is that type of heater being installed is not a</p> <p>7 completely closed system.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. The Modines.</p> <p>10 A. No, the -- the Space-Ray heaters, if --</p> <p>11 Q. You think --</p> <p>12 A. -- that's what you're referring to.</p> <p>13 Q. -- Space-Ray heaters are -- are less closed than</p> <p>14 the old Modines?</p> <p>15 A. Oh, no. I think they're probably more closed. But</p> <p>16 there are still openings that aren't sealed tight,</p> <p>17 and you get air -- you get products of combus --</p> <p>18 not products of combustion. But you get products</p> <p>19 of -- of paint fumes, paint vapors, paint mist and</p> <p>20 spray inside of those particular units, which was</p> <p>21 evidenced by the pictures and by what I saw.</p> <p>22 Q. So one of your hypothesis or theories -- strike</p> <p>23 that. One of your opinions is that Blue Sheboygan</p> <p>24 water-based paint got inside of tube heaters and</p> <p>25 the heat -- the burner box and caught on fire?</p>	<p style="text-align: right;">Page 201</p> <p>1 the -- the tubes. I -- there was evidence of blue</p> <p>2 paint in the tube that had basically dried onto</p> <p>3 the -- or had -- was on the system. And -- and it,</p> <p>4 by its own definition, it had boiled off and -- and</p> <p>5 stayed -- and had dried on the system, and it</p> <p>6 becomes a combustible material.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. And just -- and combusted, in your opinion.</p> <p>9 A. Yes.</p> <p>10 Q. And still stayed bright blue.</p> <p>11 A. It wasn't bright blue in the -- in the area where</p> <p>12 it would think. But it was in other areas of the</p> <p>13 -- the -- not all the paint had boiled off or had</p> <p>14 burnt off.</p> <p>15 Q. You'll concede that you --</p> <p>16 A. That's what I'm basing my opinion on.</p> <p>17 Q. You'll concede you didn't identify a single witness</p> <p>18 in your report of December 3rd, 2019 by name,</p> <p>19 correct?</p> <p>20 MR. JONES: Objection --</p> <p>21 THE WITNESS: I don't have --</p> <p>22 MR. JONES: -- to the form. Document</p> <p>23 speaks --</p> <p>24 THE WITNESS: -- those names --</p> <p>25 MR. JONES: -- for itself.</p>

<p style="text-align: right;">Page 202</p> <p>1 THE WITNESS: -- available to me, no.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. You didn't name anybody in this report by name.</p> <p>4 A. No, I did not name anybody in the report.</p> <p>5 Q. And so on Page 3 of your first report, be the third</p> <p>6 paragraph from the bottom, you wrote, This combined</p> <p>7 with the fire damage to the south heater that was</p> <p>8 at ceiling level indicated the possible location of</p> <p>9 fire origin, right?</p> <p>10 A. Yeah. That -- there's a couple things about this.</p> <p>11 I -- you mentioned earlier, I had a couple of</p> <p>12 issues with things that were -- comments that were</p> <p>13 on that I made that this should have been stated as</p> <p>14 a -- instead of possible a probable location of</p> <p>15 origin, not --</p> <p>16 Q. You've been a fire investigator for forty -- how</p> <p>17 many years?</p> <p>18 A. Forty-four.</p> <p>19 Q. And you accidentally wrote the word "possible"</p> <p>20 instead of "probable"?</p> <p>21 MR. JONES: Objection to form.</p> <p>22 THE WITNESS: Yeah. I -- I put it by error.</p> <p>23 I did that apparently. I did not catch that at the</p> <p>24 time, just like I didn't catch the March the 3rd.</p> <p>25 But that was one of those things that were -- was</p>	<p style="text-align: right;">Page 204</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. So you didn't say anything about a probable origin</p> <p>3 of the fire in any -- either of these. In both</p> <p>4 reports you used possible point of origin, didn't</p> <p>5 you?</p> <p>6 A. I used that term. And that term was wrongly used,</p> <p>7 in my opinion. Because NFPA also states that</p> <p>8 the -- there's a distinguishing between probable</p> <p>9 and possible. And if you feel like something is</p> <p>10 more than 51 percent, it could become possible --</p> <p>11 or not possible but probable. And that's -- in</p> <p>12 this case I feel this was more than that 51 percent</p> <p>13 actually. So it -- I should have used the word</p> <p>14 "probable."</p> <p>15 Q. But you didn't --</p> <p>16 A. And having read this report, I never even noticed</p> <p>17 that as an issue.</p> <p>18 Q. And you've written 1400 reports.</p> <p>19 MR. JONES: Objection.</p> <p>20 MR. GARDNER: I'm sorry. You've written over</p> <p>21 1400 reports.</p> <p>22 MR. JONES: Objection to form.</p> <p>23 THE WITNESS: Well, I've never -- most of the</p> <p>24 time the reports are based on the -- on what you</p> <p>25 see and what you -- and I don't know that that term</p>
<p style="text-align: right;">Page 203</p> <p>1 not --</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. So roughly --</p> <p>4 A. It should have been "probable."</p> <p>5 Q. So roughly three years later you wrote another</p> <p>6 report.</p> <p>7 A. It was a continuation of the report --</p> <p>8 Q. Yeah. Dated November --</p> <p>9 A. -- original.</p> <p>10 Q. -- 2022.</p> <p>11 A. Yes.</p> <p>12 Q. Show me in that report where you corrected the</p> <p>13 records to "possible" to the word "probable."</p> <p>14 MR. JONES: Objection to form. He didn't say</p> <p>15 that he made that correction in that report.</p> <p>16 MR. GARDNER: Well, he had --</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MR. GARDNER: -- three years to do it.</p> <p>19 MR. JONES: Well ...</p> <p>20 THE WITNESS: I -- I --</p> <p>21 MR. JONES: What's -- what's your -- what's</p> <p>22 your question?</p> <p>23 THE WITNESS: -- I did not make the</p> <p>24 correction, that particular correction. I didn't</p> <p>25 catch it. So ...</p>	<p style="text-align: right;">Page 205</p> <p>1 is always used on every single report.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Would you agree and concede that the vast majority</p> <p>4 of your expert cause-and-origin reports that you've</p> <p>5 prepared, your final report, you've expressed your</p> <p>6 opinions regarding the origin of the fire to a</p> <p>7 degree of probability?</p> <p>8 A. Degree of certain bit --</p> <p>9 Q. Yes.</p> <p>10 A. -- cert -- certainty, yes.</p> <p>11 Q. And you didn't do that in this case.</p> <p>12 A. Not necess -- no, I -- I did -- I didn't say those</p> <p>13 in those exact words. But I did reference to the</p> <p>14 fact of what I felt the origin of the fire occurred</p> <p>15 and how it occurred.</p> <p>16 Q. Would you agree with this statement: The retention</p> <p>17 of original notes, diagrams, photographs, and</p> <p>18 measurements is the best practice --</p> <p>19 MR. JONES: Objection, form, foundation.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. -- fire -- cause-and-origin fire investigation?</p> <p>22 A. I would agree that that would be the best practice,</p> <p>23 yes.</p> <p>24 Q. Would you agree that this data constitute a body of</p> <p>25 factual information that should be retained until</p>

<p style="text-align: right;">Page 206</p> <p>1 all reasonable -- sorry -- reasonably perceived</p> <p>2 litigation processes are resolved?</p> <p>3 MR. JONES: Same objections.</p> <p>4 THE WITNESS: That's what that guideline says,</p> <p>5 yes.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Would you read -- agree with this statement: The</p> <p>8 entire fire scene should be considered physical</p> <p>9 evidence and should be protected and preserved?</p> <p>10 MR. JONES: Same objections.</p> <p>11 MR. GARDNER: Section 17.3.1.1.</p> <p>12 THE WITNESS: In an ideal world, yes, that</p> <p>13 would be the case.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Did you obtain any architectural drawings in your</p> <p>16 investigation of this case?</p> <p>17 A. No, I did not.</p> <p>18 Q. Did you obtain any engineering drawings in your</p> <p>19 investigation of this case?</p> <p>20 A. No.</p> <p>21 Q. Did you obtain any wiring schematics in your</p> <p>22 investigation of this case?</p> <p>23 A. No.</p> <p>24 Q. Would you agree with this statement: Most</p> <p>25 contamination of physical evidence occurs during</p>	<p style="text-align: right;">Page 208</p> <p>1 you're collecting evidence, sometimes you'll put it</p> <p>2 in gallon cans, right?</p> <p>3 A. Most always, yes.</p> <p>4 Q. Sometimes --</p> <p>5 A. It depends on the evidence, obviously, you're</p> <p>6 collecting. If it's a liquid or if it's a small</p> <p>7 item that could fit in there.</p> <p>8 Q. My --</p> <p>9 A. Obviously tube heaters couldn't go in there.</p> <p>10 Q. I understand. So things smaller than a gallon --</p> <p>11 A. Yes.</p> <p>12 Q. -- can, right?</p> <p>13 A. (Nods head.)</p> <p>14 Q. And in this case you obtained some swabs that you</p> <p>15 say were on -- from on and in the heaters, right?</p> <p>16 A. Yes. The -- inside the tubes primarily.</p> <p>17 Q. They primarily came from inside the tubes.</p> <p>18 A. Right.</p> <p>19 Q. And was there any one of the three tubes that had</p> <p>20 more material to collect than the other three?</p> <p>21 A. I would say the middle heater probably had more</p> <p>22 that I noticed. And also the south heater had more</p> <p>23 damage done to the deflectors than the -- any of</p> <p>24 the other heaters did. So there are several --</p> <p>25 several variations to why that could be the case.</p>
<p style="text-align: right;">Page 207</p> <p>1 its collection?</p> <p>2 A. Yeah. I would agree that that's possibly the case.</p> <p>3 yes. That doesn't always -- that is a guideline</p> <p>4 that they use, and those are statements that are</p> <p>5 general. But given certain circumstances and</p> <p>6 certain conditions, in this case a large fire that</p> <p>7 was -- basically occurred a fourth of the building,</p> <p>8 so to speak, or maybe even more affected, is --</p> <p>9 there's so much area to cover that there's not any</p> <p>10 way you can protect everything 100 percent.</p> <p>11 Q. And this doesn't refer to everything. I just</p> <p>12 read -- I'm talking about physical evidence during</p> <p>13 its collection. That's all.</p> <p>14 A. There's like --</p> <p>15 Q. Like your swabs.</p> <p>16 A. -- we did; is that right? Not -- I didn't -- I --</p> <p>17 there was no damage of anything that I saw in</p> <p>18 collection of evidence in that particular</p> <p>19 situation.</p> <p>20 Q. And you documented that thoroughly --</p> <p>21 A. I doc --</p> <p>22 Q. -- with photography.</p> <p>23 A. Yes. I have it on -- it was in the photos that was</p> <p>24 taken at the time I collected it.</p> <p>25 Q. And so as a general rule in your collection, when</p>	<p style="text-align: right;">Page 209</p> <p>1 But ...</p> <p>2 Q. Which of the three heaters, in your opinion, first</p> <p>3 ignited in this fire? The north heater, center</p> <p>4 heater, the south heater, or the east heater?</p> <p>5 A. Well, I think -- I think the most likely source of</p> <p>6 ignition was in the south heater. However, the</p> <p>7 middle heater received the most damage. And I --</p> <p>8 that is due to the fact that that heater is in the</p> <p>9 center of the room. And obviously the heat goes</p> <p>10 up, and that was -- the heat affected that worse.</p> <p>11 'Cause there doesn't necessarily mean that's where</p> <p>12 the area of origin occurred.</p> <p>13 Q. Have you ever looked at the Herculiner safety data</p> <p>14 sheet?</p> <p>15 A. Yes, I have.</p> <p>16 Q. Why?</p> <p>17 A. I was told that they used that occasionally.</p> <p>18 And -- but they hadn't used it for over five years.</p> <p>19 So I did go ahead and pull that online just to</p> <p>20 check it to see, and it is petroleum-based product.</p> <p>21 Q. Did it also have xylene in it as its main</p> <p>22 ingredient?</p> <p>23 A. So there's a lot of ingredients in that. And I</p> <p>24 did -- I searched a lot of those products that</p> <p>25 was -- that had listed in those type of things as</p>

<p style="text-align: right;">Page 210</p> <p>1 well. Just read online anyway.</p> <p>2 Q. Had a little trouble following you. But the only</p> <p>3 questions right now is: Will you concede that</p> <p>4 product Herculiner has an ingredient -- has as an</p> <p>5 ingredient xylene?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And that's one of the things Sharee Wells</p> <p>8 determined as a result of her testing.</p> <p>9 MR. JONES: Objection to form.</p> <p>10 THE WITNESS: I don't recall anything on the</p> <p>11 report that says xylene. But I do recall there's a</p> <p>12 heavier or light --</p> <p>13 MR. GARDNER: Petroleum.</p> <p>14 THE WITNESS: -- medium, heavy distillates.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Okay. What other things did you research and pull</p> <p>17 up the data sheets or safety sheets besides</p> <p>18 Herculiner?</p> <p>19 A. That was primarily that because of the fact that</p> <p>20 that's what was mentioned to me that was used in</p> <p>21 the facility. And then I found out, obviously the</p> <p>22 second time that I went, that the -- that sys --</p> <p>23 that had not been used. Because there was -- there</p> <p>24 was only one, maybe a couple customers that they</p> <p>25 had that liked to have that or requested that be</p>	<p style="text-align: right;">Page 212</p> <p>1 A. Yeah.</p> <p>2 Q. All right. Have you seen this before today?</p> <p>3 A. No, I have not.</p> <p>4 Q. Do you know who took these pictures --</p> <p>5 A. No.</p> <p>6 Q. -- in Exhibit AA?</p> <p>7 A. No.</p> <p>8 Q. Tell us all the efforts you made to obtain</p> <p>9 photographs taken inside of building number 1 prior</p> <p>10 to the fire.</p> <p>11 A. I asked if there was any photos available, and I</p> <p>12 was told no at the time.</p> <p>13 Q. I thought you talked to Korte. You said you talked</p> <p>14 to people at Korte.</p> <p>15 A. Briefly about -- I didn't ask them about pictures</p> <p>16 or anything. I didn't -- but I asked Kyle and</p> <p>17 Mr. Jones about pictures.</p> <p>18 Q. But you contacted them to see if they were the</p> <p>19 other competitor company of my client that -- that</p> <p>20 allegedly told Republic not to go with closed</p> <p>21 infrared tube heaters.</p> <p>22 A. Right.</p> <p>23 Q. And you didn't ask them if they took pictures.</p> <p>24 A. I didn't ask them if they took pictures, no.</p> <p>25 Q. All right. You haven't read the deposition of</p>
<p style="text-align: right;">Page 211</p> <p>1 put on the containers. So it hadn't been utilized</p> <p>2 for five years. So I never ...</p> <p>3 Q. Can you go to Exhibit AA.</p> <p>4 MR. GARDNER: Thomas, AA.</p> <p>5 MR. HEHNER: AA?</p> <p>6 MR. JONES: Oops.</p> <p>7 THE WITNESS: AA you said?</p> <p>8 MR. GARDNER: Yes, sir. Six pages.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Have you -- have you seen this first page of AA</p> <p>11 before today?</p> <p>12 A. No, I have not.</p> <p>13 MR. ZOCCOLA: Hold on a second.</p> <p>14 MR. JONES: Just pull it up real quick. Oh,</p> <p>15 he's got it up there.</p> <p>16 MR. GARDNER: Well, he's got it upside-down.</p> <p>17 MR. ZOCCOLA: Let us -- let us get it up for a</p> <p>18 second.</p> <p>19 MR. GARDNER: Here you go.</p> <p>20 MR. JONES: Okay.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. Can you see that, Jim?</p> <p>23 A. Apparently it's upside-down in this picture here</p> <p>24 so --</p> <p>25 Q. Yeah.</p>	<p style="text-align: right;">Page 213</p> <p>1 Trevor Miller who's the one that sent me these</p> <p>2 pictures.</p> <p>3 MR. JONES: Objection, asked and answered.</p> <p>4 THE WITNESS: No, I have not.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. Okay. Do you see a lot of paint on the ceiling in</p> <p>7 photograph one of Exhibit AA?</p> <p>8 MR. JONES: Objection to form.</p> <p>9 THE WITNESS: Not in this photograph I don't</p> <p>10 see it.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. Do you see a rather clear demarcation roughly</p> <p>13 halfway up the wall in the -- would be the most</p> <p>14 northern east garage door separating white from</p> <p>15 blue?</p> <p>16 MR. JONES: Objection to form.</p> <p>17 THE WITNESS: I see that line of -- line</p> <p>18 across there, yes.</p> <p>19 QUESTIONS BY MR. GARDNER:</p> <p>20 Q. Did you know Terry Reader testified that blue paint</p> <p>21 in this photograph on the bottom half of the wall</p> <p>22 was painted intentionally --</p> <p>23 MR. JONES: Objection to form; asked and</p> <p>24 answered.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>

<p style="text-align: right;">Page 214</p> <p>1 Q. -- as opposed to spray mist?</p> <p>2 A. I -- I am sure. It looks like it's sprayed</p> <p>3 intentionally. Looks like it's -- it's like a --</p> <p>4 dividing the wall.</p> <p>5 Q. I didn't sprayed, painted. If I said sprayed I</p> <p>6 meant to say painted.</p> <p>7 A. Okay.</p> <p>8 Q. Right.</p> <p>9 A. Painted.</p> <p>10 Q. Not gonna get a clear line like that just spraying</p> <p>11 it, are you? Unless you use a guard --</p> <p>12 A. -- some type of protection.</p> <p>13 Q. Right. So go to Page 2 of Exhibit AA. I'll</p> <p>14 represent to you my understanding of the photo is</p> <p>15 that photographer's aiming his lens to the east.</p> <p>16 You see that exhaust fan?</p> <p>17 A. Uh-huh, yes.</p> <p>18 Q. And this is in a room where they sometimes painted</p> <p>19 Blue Sheboygan paint, right? Do you know?</p> <p>20 A. I'm assuming that but I don't know.</p> <p>21 Q. I'll hold it out to you --</p> <p>22 A. I don't know where this room was at for sure.</p> <p>23 So ...</p> <p>24 Q. I'll hold out that Trevor Miller testified he took</p> <p>25 these photos roughly two months before the fire</p>	<p style="text-align: right;">Page 216</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Yeah. And on the blue -- you can see that fan's</p> <p>3 blue.</p> <p>4 A. On the fan, yes.</p> <p>5 Q. Correct. So the ceiling of building number 1 was</p> <p>6 corrugated metal, right?</p> <p>7 A. Yes.</p> <p>8 Q. Was it white metal or was it painted white?</p> <p>9 A. I don't know.</p> <p>10 Q. In the outside of the building, building number 1,</p> <p>11 it's also con -- constructed out of corrugated</p> <p>12 metal?</p> <p>13 A. Yes.</p> <p>14 Q. And this is just my failure to understand the</p> <p>15 construction of this building. Is it just one</p> <p>16 layer of metal, Jim, so far as you understand, from</p> <p>17 being out at the fire scene multiple times, it</p> <p>18 constituted both the inside and outside wall? Or</p> <p>19 was it the case that there was sheets of corrugated</p> <p>20 metal on the outside that are different than the</p> <p>21 ones that are on the inside of building 1?</p> <p>22 MR. JONES: Objection, form --</p> <p>23 MR. GARDNER: Follow me?</p> <p>24 MR. JONES: -- foundation.</p> <p>25 THE WITNESS: Yeah. A void space between the</p>
<p style="text-align: right;">Page 215</p> <p>1 when he visited the site to give Republic a quote</p> <p>2 for the -- for --</p> <p>3 MR. JONES: Objection, lack -- sorry.</p> <p>4 MR. GARDNER: Hold on. For closed infrared</p> <p>5 heaters.</p> <p>6 MR. JONES: Objection, lack of foundation.</p> <p>7 THE WITNESS: I don't know anything about</p> <p>8 these photos so I couldn't tell you.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Does that look like a blue dumpster --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- in the photo near the bottom?</p> <p>13 But you'll concede, looking at this photo,</p> <p>14 Page 2 of Exhibit AA, it's hard to discern the</p> <p>15 existence of any blue paint on the ceiling or</p> <p>16 higher than, say, halfway or two-thirds up the</p> <p>17 wall, right?</p> <p>18 MR. JONES: Objection, form.</p> <p>19 MR. GARDNER: It's essentially white.</p> <p>20 THE WITNESS: It's essentially white. But</p> <p>21 there is dust, appears to be, on the door, for</p> <p>22 example, the front -- above the front door or on</p> <p>23 the door.</p> <p>24 MR. GARDNER: And on --</p> <p>25 THE WITNESS: And it comes down.</p>	<p style="text-align: right;">Page 217</p> <p>1 two you're talking about --</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Was there -- do you know if there was or wasn't?</p> <p>4 A. No, I do not. It appears to be only on the outside</p> <p>5 of the building.</p> <p>6 Q. So, in other words --</p> <p>7 A. And then there was some -- there was -- in some</p> <p>8 areas of the building it was a wood-frame structure</p> <p>9 that actually supported the metal.</p> <p>10 Q. So are you saying that in some areas of building</p> <p>11 number 1 there was corrugated steel on the outside</p> <p>12 and then -- and then a different piece of</p> <p>13 corrugated steel on the inside separated by some</p> <p>14 wood framing members?</p> <p>15 A. I did not see any -- any indication of whether</p> <p>16 there was one on the in -- I know there was on</p> <p>17 outside. I did not see indication of one on the</p> <p>18 inside. There was an inside wall that was a -- a</p> <p>19 wood -- made out of wood and wood frame.</p> <p>20 Q. Inside where? What do you mean inside wall? Which</p> <p>21 one?</p> <p>22 A. That separated the -- the storage unit from the</p> <p>23 rest of the facility.</p> <p>24 Q. Okay. Now, how about the far south side, the most</p> <p>25 extreme south wall of the storage building? I'm</p>



<p style="text-align: right;">Page 218</p> <p>1 looking at Exhibit Z, Page 2. Was the outside of</p> <p>2 that -- that would be the south end of the</p> <p>3 building. Was that made out of corrugated metal?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And was it just one sheet, or was there another</p> <p>6 sheet inside?</p> <p>7 A. I believe on the outside wall there was a sheet on</p> <p>8 the inside. But I -- I'd have to look at my</p> <p>9 photographs to find that -- to determine that for</p> <p>10 sure.</p> <p>11 Q. You don't know one way or the other. Right?</p> <p>12 A. No, I don't know at the present time, no.</p> <p>13 Q. Could you go to page. Well --</p> <p>14 It's Exhibit AA, Page 4. It looks like this,</p> <p>15 Jim.</p> <p>16 A. Let me see here. Next one coming up here. Okay.</p> <p>17 Q. Have you seen that before today?</p> <p>18 A. No, I have not.</p> <p>19 Q. Trevor Miller from Korte Does It All provided this</p> <p>20 to me in response to a subpoena that I sent him.</p> <p>21 And he testified about it during his deposition.</p> <p>22 Do you know what these materials are that are</p> <p>23 stacked up on the left side of the photo that have</p> <p>24 some blue paint on them here and there?</p> <p>25 A. These are --</p>	<p style="text-align: right;">Page 220</p> <p>1 of this photograph would constitute the inside</p> <p>2 south wall of the storage room.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. Can you go to the same exhibit, Page 6. It</p> <p>5 looks like this.</p> <p>6 MR. JONES: Keep the binder off your</p> <p>7 microphone.</p> <p>8 THE WITNESS: Oh, sorry. This one?</p> <p>9 MR. GARDNER: Yes. Yeah, you got it.</p> <p>10 MR. ZOCCOLA: What page?</p> <p>11 MR. HEHNER: Six.</p> <p>12 MR. ZOCCOLA: Thanks.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Do you know who the gentleman is in the yellow</p> <p>15 jacket?</p> <p>16 A. No, I don't.</p> <p>17 Q. And Trevor Miller took this photograph and -- and</p> <p>18 supplied it to us in response to a subpoena to</p> <p>19 Korte and he testified about it.</p> <p>20 So it's inside of the so-called container --</p> <p>21 southern container shop where they spray painted</p> <p>22 the dumpsters sometimes, right?</p> <p>23 A. Okay.</p> <p>24 Q. You understand that?</p> <p>25 MR. JONES: Objection to form.</p>
<p style="text-align: right;">Page 219</p> <p>1 MR. JONES: Objection, foundation.</p> <p>2 THE WITNESS: -- on the left-hand side</p> <p>3 you're --</p> <p>4 MR. GARDNER: Yes, sir.</p> <p>5 THE WITNESS: -- talking about?</p> <p>6 MR. GARDNER: Yes, sir.</p> <p>7 THE WITNESS: I think it's just wood material,</p> <p>8 I believe, like at -- in that -- or I -- I don't</p> <p>9 know what they are for sure.</p> <p>10 QUESTIONS BY MR. GARDNER:</p> <p>11 Q. Just to be clear, I'm talking about the stuff</p> <p>12 that -- it's white on the edges.</p> <p>13 A. Box -- looks like boxes.</p> <p>14 Q. Okay. To the right of that looks like some</p> <p>15 cardboard, doesn't it, piece of --</p> <p>16 A. Yes.</p> <p>17 Q. -- cardboard?</p> <p>18 A. Uh-huh.</p> <p>19 Q. And then there's -- looks like a -- a crate or</p> <p>20 pallet full of boxes with blue spray paint on top</p> <p>21 of them?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Do you know what's in the boxes?</p> <p>24 A. No, I do not.</p> <p>25 Q. And then I'll represent to you that the right side</p>	<p style="text-align: right;">Page 221</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Do you see the dumpsters?</p> <p>3 A. Yes.</p> <p>4 Q. Do you see blue paint on the floor?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do you know if at the time of this fire there was</p> <p>7 blue paint on the floor accumulated as is -- as is</p> <p>8 shown in this photograph?</p> <p>9 A. I don't know that for a fact, no. I'm just going</p> <p>10 by what people said, yes.</p> <p>11 Q. This -- and did people tell you there was blue</p> <p>12 paint on the floor at the time of this fire?</p> <p>13 A. I was just informed that it was everywhere in the</p> <p>14 building is what I was told.</p> <p>15 Q. We talked to a fella named Justin Davis, who was</p> <p>16 the plaintiff's -- one of the plaintiff's two FRCP</p> <p>17 30(b)(6) representatives. He testified that they</p> <p>18 cleaned up -- when they would clean up this bay,</p> <p>19 they wouldn't require that this blue paint be</p> <p>20 removed. Have you read that deposition?</p> <p>21 A. No.</p> <p>22 MR. JONES: Objection to form.</p> <p>23 THE WITNESS: No, I have not.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. Okay. And so this fire was a total collapse,</p>



<p style="text-align: right;">Page 222</p> <p>1 wasn't it? This building number 1, the roof</p> <p>2 completely collapsed, the walls collapsed down,</p> <p>3 correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And so sometime during the fire, the three</p> <p>6 Space-Ray heater assemblies collapsed and fell to</p> <p>7 the floor?</p> <p>8 A. Yes. They were all under the debris, yes.</p> <p>9 Q. Right. The middle one actually landed on top of a</p> <p>10 fire locker, didn't it?</p> <p>11 A. Yes.</p> <p>12 Q. What were the contents of the first locker?</p> <p>13 MR. JONES: Objection to foundation.</p> <p>14 THE WITNESS: Well, one of the lockers that</p> <p>15 was there was the contents of the -- the spray</p> <p>16 machine that they had.</p> <p>17 MR. GARDNER: Yeah.</p> <p>18 THE WITNESS: And there was also a -- I think</p> <p>19 there was a --</p> <p>20 MR. GARDNER: Paint thinner?</p> <p>21 THE WITNESS: Yeah. There was -- there was</p> <p>22 other containers inside of there. I don't know --</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. You didn't collect any of those, did you?</p> <p>25 A. No, we did not.</p>	<p style="text-align: right;">Page 224</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. Well, they showed heavy in the --</p> <p>4 Q. I'm talking about --</p> <p>5 A. -- heaters.</p> <p>6 Q. -- no, blue paint.</p> <p>7 A. Not -- in the blue paint, yes.</p> <p>8 Q. Right. So what was the source of the heavy</p> <p>9 petroleum distillate she found on a couple of the</p> <p>10 heaters --</p> <p>11 MR. JONES: Objection to foundation.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. -- if it wasn't the blue paint?</p> <p>14 A. I don't know for sure what the -- what it was.</p> <p>15 Whether it was something else that they had used</p> <p>16 some point in time or what. But the -- the sample</p> <p>17 came from the heaters. And that's what was tested.</p> <p>18 Q. But you don't know the source of it, do you?</p> <p>19 A. I don't know what all was being used in that</p> <p>20 facility. And -- and I was told it was -- there</p> <p>21 was paint thinner occasionally. And there was also</p> <p>22 other, like, welding going on in the facility. And</p> <p>23 that -- there's also welding situation that -- and</p> <p>24 components from welding that could accumulate in</p> <p>25 the building, dust and so forth.</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. And so you didn't test any of them, did you?</p> <p>2 A. No.</p> <p>3 Q. And I'm talking about the gallon cans that were</p> <p>4 inside the -- the center metal so-called fire safe</p> <p>5 upon which the center heater fell onto, right?</p> <p>6 A. Correct.</p> <p>7 Q. So you do not know what was in those cans, do you?</p> <p>8 Except for the one you took back.</p> <p>9 A. On the one I took back. What --</p> <p>10 Q. You collected one of them. You guys collected the</p> <p>11 -- the rectangular one.</p> <p>12 A. Over at -- on the opposite end of those. That's</p> <p>13 only because it was requested that it be retained.</p> <p>14 Q. You're saying it wasn't in the locker?</p> <p>15 A. No, it was not.</p> <p>16 Q. Where was it? I'm mixed up on the opposite end.</p> <p>17 A. On the -- were -- it was over by the wall on the</p> <p>18 C -- under the C -- what I classify as the -- the</p> <p>19 north end of that room.</p> <p>20 Q. Okay.</p> <p>21 A. Not in the area of origin.</p> <p>22 Q. So this blue paint, according to Sharee Wells, when</p> <p>23 she tested it, showed the presence of an aromatic</p> <p>24 product and medium and -- I'm sorry -- medium</p> <p>25 petroleum distilling, but not heavy, right?</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Welding dust?</p> <p>2 A. So there -- yes.</p> <p>3 Q. Do you know if anybody ever welded through a -- a</p> <p>4 blue painted Republic dumpster prior to the fire,</p> <p>5 cut right through the -- the blue paint?</p> <p>6 A. No, I do not.</p> <p>7 Q. Do you know if anybody ever used an acetylene torch</p> <p>8 or a plasma cutter to cut through the -- any parts</p> <p>9 of the dumpsters right through the blue paint?</p> <p>10 MR. JONES: Objection to form.</p> <p>11 THE WITNESS: I'm sure it -- it probably could</p> <p>12 have happened if they uti -- utilized that -- other</p> <p>13 than welding. Welding typically you have clean off</p> <p>14 anything before you would weld. So --</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Okay. Well, restricted to using acetylene torches</p> <p>17 and plasma cutters.</p> <p>18 Can you explain to us why, when employees of</p> <p>19 Republic, prior to the fire, would cut through with</p> <p>20 torches, parts of the dumpsters that were painted</p> <p>21 blue, why didn't the blue paint catch on fire in</p> <p>22 its dry form?</p> <p>23 MR. JONES: Objection, foundation.</p> <p>24 THE WITNESS: Well, that -- that would be in a</p> <p>25 dry form. But it -- actually it -- given the</p>

<p style="text-align: right;">Page 226</p> <p>1 situation here, you're -- you're talking about</p> <p>2 between dry and -- and boiled off. Obviously it</p> <p>3 was not boiled off. It didn't get hot enough to</p> <p>4 dry it out completely. It probably takes a -- most</p> <p>5 likely would take a long time for that to happen.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. For what to happen?</p> <p>8 A. But once it's boiled off in a fire or in a heated</p> <p>9 area, then obviously it becomes a whole different</p> <p>10 situation at that point versus just sprayed on it.</p> <p>11 Q. You mean just recently sprayed on.</p> <p>12 A. Right.</p> <p>13 Q. I'm not talking about that.</p> <p>14 A. Not recently sprayed on it, just on the components</p> <p>15 themselves.</p> <p>16 Q. I'm only talking about the dumpsters. Is that what</p> <p>17 you mean when you say "component"?</p> <p>18 A. On -- on --</p> <p>19 Q. You haven't read Terry Reader's deposition, so</p> <p>20 you're at a disadvantage.</p> <p>21 A. Right.</p> <p>22 Q. He testified that he and other employees, including</p> <p>23 Dale Calle, on occasions prior to the fire, used</p> <p>24 acetylene torches and plasma cutters to cut</p> <p>25 through, to make repairs, dumpsters that had been</p>	<p style="text-align: right;">Page 228</p> <p>1 frequently, every day possibly.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Cutting.</p> <p>4 A. So --</p> <p>5 Q. You mean cutting through the --</p> <p>6 A. Right. I don't know if it occurred every day.</p> <p>7 They -- they were saying that that -- the only</p> <p>8 thing they did that day, other -- other than</p> <p>9 painting, was they did some welding earlier on in</p> <p>10 the -- the morning, but -- on that particular day</p> <p>11 of the fire.</p> <p>12 Q. Do you know the temperature of -- of an acetylene</p> <p>13 torch when it's cutting through steel?</p> <p>14 MR. JONES: Objection to foundation.</p> <p>15 THE WITNESS: Very hot.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. Over 3,000 --</p> <p>18 A. I mean, it's probably -- yeah. Probably likely</p> <p>19 twenty-five to 3,000, yes.</p> <p>20 Q. Right. And how about a plasma torch? What is the</p> <p>21 contact temperature of cutting with a plasma torch</p> <p>22 through steel?</p> <p>23 A. I'm not sure what the temperature would be. But</p> <p>24 I -- I personally use one on a regular basis, so I</p> <p>25 understand it's hot.</p>
<p style="text-align: right;">Page 227</p> <p>1 out in the field for I don't know how long, longer</p> <p>2 than a day, and at no time did the dry blue paint</p> <p>3 on the dumpster ever catch on fire. How -- how do</p> <p>4 you explain that?</p> <p>5 MR. JONES: Objection to form, foundation.</p> <p>6 THE WITNESS: I can't explain any -- there's</p> <p>7 always circumstances that can -- can happen that</p> <p>8 can -- I'm going based on what the -- the company</p> <p>9 that supplies the paint even says on the container,</p> <p>10 that the paint can boil off. And once the water's</p> <p>11 boiled off, it becomes a Class II liquid or similar</p> <p>12 prop -- properties of a Class II, IIIA and IIIB</p> <p>13 liquid. And what could be --</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. And you're using that synonymous with --</p> <p>16 MR. JONES: If he could finish his answer.</p> <p>17 Go --</p> <p>18 MR. GARDNER: I'm sorry. Go ahead, Jim.</p> <p>19 THE WITNESS: I guess I'm -- I mean, I'm using</p> <p>20 the same word. This would be dry paint, yes.</p> <p>21 MR. GARDNER: Uh-huh.</p> <p>22 THE WITNESS: But not necessarily boiled off.</p> <p>23 Using a torch possibly could do that. But I think</p> <p>24 over a long period of time that there has to be --</p> <p>25 in this particular situation that that occurred</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. What was the temperature -- I'm sorry. What</p> <p>2 temperature does it require for Blue Sheboygan</p> <p>3 paint to ignite or combust?</p> <p>4 A. Well, it -- it -- the paint itself doesn't combust.</p> <p>5 I'm talking about the properties in the paint that</p> <p>6 they say becomes a Class II or Class IIIA and IIIB</p> <p>7 liquid, similar properties. Those properties being</p> <p>8 like diesel fuel, kerosene, and paint thinner.</p> <p>9 Those particular properties are combustible</p> <p>10 materials.</p> <p>11 Q. You think paint thinner was in the blue paint?</p> <p>12 A. I don't know what was in the blue paint, whether</p> <p>13 they thinned it with paint thinners or not. I</p> <p>14 don't know that for a fact. But I'm not saying</p> <p>15 it -- over a period of time they said they used</p> <p>16 paint thinners occasionally. That's what I was</p> <p>17 told. So that could have been possibly there at</p> <p>18 some point in time.</p> <p>19 Q. So the --</p> <p>20 A. How --</p> <p>21 Q. -- so the source of combustibility in the blue</p> <p>22 paint could be these additives you're talking</p> <p>23 about, right?</p> <p>24 A. No. It becomes -- it becomes similar to those</p> <p>25 properties that I just described.</p>

<p style="text-align: right;">Page 230</p> <p>1 Q. These type two and type three --</p> <p>2 A. Right.</p> <p>3 Q. -- liquids?</p> <p>4 A. The dried or the boiled off paint becomes a</p> <p>5 combustible material. And those -- like kerosene,</p> <p>6 diesel fuel, things like that, can ignite at a</p> <p>7 hundred degrees temperature or more -- or higher.</p> <p>8 Or be -- below 140 degrees temperature, put it that</p> <p>9 way.</p> <p>10 Q. Do you think the temperatures in and on the three</p> <p>11 Space-Ray heaters exceeded 140 -- 140 degrees in</p> <p>12 the 43 days prior to the fire?</p> <p>13 MR. JONES: Objection to foundation; calls for</p> <p>14 speculation.</p> <p>15 THE WITNESS: Well, there's -- yeah, I -- I do</p> <p>16 believe that they -- obviously propane burns at a</p> <p>17 higher -- high rate, high temperature.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. So it would be over 140?</p> <p>20 A. Right --</p> <p>21 MR. JONES: Same objections.</p> <p>22 THE WITNESS: But the only thing is about that</p> <p>23 is, there's conditions. I could have a match here,</p> <p>24 and if those conditions are right, it's not gonna</p> <p>25 catch anything on fire. But given the certain</p>	<p style="text-align: right;">Page 232</p> <p>1 MR. JONES: Objection --</p> <p>2 THE WITNESS: I did not put that in --</p> <p>3 MR. JONES: -- asked and answered.</p> <p>4 THE WITNESS: -- a report.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. And you didn't record any of the temperature</p> <p>7 conditions in your -- either of your reports, did</p> <p>8 you?</p> <p>9 MR. JONES: Same objections.</p> <p>10 THE WITNESS: I did not stipulate any type of</p> <p>11 temperatures in a report. The only thing that I</p> <p>12 did stipulate is the fact that I believe I -- I'd</p> <p>13 have to look. But the -- when the heaters kicked</p> <p>14 on, that's what ignited the -- under -- under that</p> <p>15 condition.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. Your second report suggests, correct me if I'm</p> <p>18 wrong, that you think that during the day, while</p> <p>19 the employees were working inside of building</p> <p>20 number 1, on March 19th, 2019, the heaters were</p> <p>21 not -- work -- were not activated.</p> <p>22 MR. JONES: Objection to form.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. Am I reading your report wrong?</p> <p>25 A. I don't know that they were not. I'm just saying</p>
<p style="text-align: right;">Page 231</p> <p>1 circumstances, particularly the oxygen</p> <p>2 concentration in the air, the ventilation that's in</p> <p>3 the syst -- that's in the room, everything can --</p> <p>4 can change those conditions.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. None of which you're aware of in this case as they</p> <p>7 existed on March 19th, 2019.</p> <p>8 A. I'm -- I'm never aware of any condition changes on</p> <p>9 any fire 'cause I don't know the circumstances. I</p> <p>10 don't know the conditions at the time of the fire.</p> <p>11 Only thing I have to go on is based on what I see.</p> <p>12 Q. What direction was the wind blowing at the time of</p> <p>13 the fire?</p> <p>14 MR. JONES: Objection to foundation.</p> <p>15 THE WITNESS: So -- I don't know that for</p> <p>16 sure.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. You didn't check it, did you?</p> <p>19 MR. JONES: Same objections.</p> <p>20 THE WITNESS: I -- I did check that. But I --</p> <p>21 I don't have that information in front of me --</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. And you didn't put it in --</p> <p>24 A. -- at the time.</p> <p>25 Q. -- either of your reports, did you?</p>	<p style="text-align: right;">Page 233</p> <p>1 that due -- the temperatures during the day, I was</p> <p>2 told, was 47 degrees. And also confirmed that with</p> <p>3 the -- the weather in Fort Wayne, Indiana, which is</p> <p>4 not too far from that airport, I guess you could</p> <p>5 say, where I think where that came from.</p> <p>6 Q. I did too. So weren't these thermostats --</p> <p>7 MR. JONES: I don't think he's finished with</p> <p>8 his answer.</p> <p>9 MR. GARDNER: -- 60 or 75 degrees?</p> <p>10 MR. JONES: Were you finished with your answer</p> <p>11 on your last question?</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. JONES: Okay.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Weren't these thermostats set, according to Fred</p> <p>16 Jones, at 75 degrees?</p> <p>17 A. I had different -- conflicting different</p> <p>18 information on that actually.</p> <p>19 Q. You didn't talk about that though in your report,</p> <p>20 did you? This --</p> <p>21 A. No. 'Cause I was told it was turned down to</p> <p>22 50 degrees of a night, is what I was told.</p> <p>23 Q. By who?</p> <p>24 A. Mr. Jones, when I talked to him.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 234</p> <p>1 A. So my opinion would have been based on that. And</p> <p>2 based on that -- that information being told,</p> <p>3 during the daytime, the temperatures inside would</p> <p>4 have been high enough to possibly -- the -- the</p> <p>5 system may not even function because of the</p> <p>6 temperatures being -- 'cause the inside of my</p> <p>7 garage is not heated at home, and it runs usually</p> <p>8 about 20 degrees warmer in my garage than it does</p> <p>9 outside. So, I mean, that's just an example.</p> <p>10 So I would -- they -- in this situation, it's</p> <p>11 47 outside, if the temperatures were set at 50,</p> <p>12 like I was told, then obviously -- and even made a</p> <p>13 comment to me that he -- they even check that when</p> <p>14 they do their routine --</p> <p>15 Q. They check to see if they're on 50 at night. Is</p> <p>16 that what you're saying?</p> <p>17 A. The -- the temper -- thermostat's turned down, yes.</p> <p>18 Q. Okay. So referring you back to Exhibit AA, 6, you</p> <p>19 see this blue paint on the floor, right?</p> <p>20 A. Uh-huh. Yes, sir.</p> <p>21 Q. There's testimony in the case that Dale Calle and</p> <p>22 Terry Reader sometimes would use their acetylene</p> <p>23 torches and welders at floor level or near -- I'm</p> <p>24 sorry, near floor level. And at no time did any of</p> <p>25 the blue paint on the floor or paint dust on the</p>	<p style="text-align: right;">Page 236</p> <p>1 the trash can?</p> <p>2 Q. Yeah.</p> <p>3 A. Yes.</p> <p>4 Q. And this was collected into evidence, taken down to</p> <p>5 Rimkus' facility, right?</p> <p>6 A. Yes, it was.</p> <p>7 Q. All right. Was the trash can plastic?</p> <p>8 A. Yes.</p> <p>9 Q. It was --</p> <p>10 A. I -- I don't know about what we refer to as</p> <p>11 plastic. It was a comb --</p> <p>12 Q. Some sort of --</p> <p>13 A. -- poly, yeah.</p> <p>14 Q. Yeah. You see pack of -- packet, a package with --</p> <p>15 might have been an empty pack of cigarettes in that</p> <p>16 photo?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. You see this blue all over the place in the</p> <p>19 picture?</p> <p>20 A. Yes.</p> <p>21 Q. And did you see blue like that spread out</p> <p>22 throughout the floor of this facility during your</p> <p>23 inspections?</p> <p>24 A. In different areas. It seemed to be in piles.</p> <p>25 Q. Yeah. How do you exclude the transfer of the blue</p>
<p style="text-align: right;">Page 235</p> <p>1 floor ignite. Can you account for that?</p> <p>2 MR. JONES: Objection to form and foundation.</p> <p>3 THE WITNESS: Again I go all back to the -- to</p> <p>4 the situation where the -- all the conditions</p> <p>5 coming together at the right time, at the right</p> <p>6 place, there could be vary -- varying reasons why</p> <p>7 that would not happen. Or -- or possibly could</p> <p>8 happen as well.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Can you go to Exhibit CCC?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Page 10.</p> <p>13 A. (Witness complies.)</p> <p>14 Q. Looks like this, Jim.</p> <p>15 MR. ZOCCOLA: It's CCC?</p> <p>16 MR. JONES: CCC?</p> <p>17 MR. HEHNER: CC.</p> <p>18 MR. GARDNER: I'm sorry. It is CC, Page 10.</p> <p>19 MR. HEHNER: Thank you very much.</p> <p>20 MR. JONES: What page are you on again?</p> <p>21 MR. GARDNER: Ten.</p> <p>22 MR. JONES: Okay.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. Did you take that picture?</p> <p>25 A. I -- I recall this picture, yes. This is the -- of</p>	<p style="text-align: right;">Page 237</p> <p>1 paint onto the components of the heaters, as a</p> <p>2 result of this room heating up during the fire,</p> <p>3 with this blue paint on the floor, and they've --</p> <p>4 these heaters falling to the floor, and are there</p> <p>5 for a year? How do you know the blue paint that</p> <p>6 you found wasn't from cross contamination?</p> <p>7 MR. JONES: Objection to form.</p> <p>8 THE WITNESS: By what I saw in the -- the</p> <p>9 paint that I saw on the -- these components I felt</p> <p>10 like was not -- particularly in those ones that</p> <p>11 were not involved directly in a -- the -- the major</p> <p>12 heat or major fire, 'cause there was some areas</p> <p>13 that the metal was perfectly good, that had the</p> <p>14 product on it and it was baked on. So that -- that</p> <p>15 give me the -- the feeling that or the thought,</p> <p>16 well, maybe there is. I -- I didn't -- I didn't</p> <p>17 think it was possible either.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Maybe there is what?</p> <p>20 A. Product in there -- in there that would be</p> <p>21 flammable or be combustible. That's why I decided</p> <p>22 at the time I was there, and given that situation,</p> <p>23 was that I needed to go ahead and probably swab</p> <p>24 these in order to get those -- that sample so</p> <p>25 that -- 'cause it's gonna -- I didn't know when we</p>

<p style="text-align: right;">Page 238</p> <p>1 would be able to be back, based on everything that</p> <p>2 was going on.</p> <p>3 Q. And that's your answer to how you excluded cross</p> <p>4 contamination from heaters falling into blue --</p> <p>5 blue paint during a fire?</p> <p>6 A. I didn't see any heaters --</p> <p>7 MR. JONES: Objection.</p> <p>8 THE WITNESS: -- in blue paint.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. You didn't?</p> <p>11 A. No.</p> <p>12 Q. You don't -- haven't seen photos showing heaters</p> <p>13 laying in the blue paint.</p> <p>14 A. Well, they're near -- it's nearby. But it's not</p> <p>15 laying in the paint --</p> <p>16 Q. So --</p> <p>17 A. -- in the areas where I collected the samples, put</p> <p>18 it that way.</p> <p>19 Q. By your -- by yourself, right?</p> <p>20 A. Yes.</p> <p>21 Q. It's the only time -- well, strike that. It's the</p> <p>22 only time you collected evidence from the scene</p> <p>23 when you were alone, May 10th, 2019?</p> <p>24 A. Yes.</p> <p>25 Q. You didn't have John Diggle with you, did you?</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. JONES: Objection to foundation.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. -- in the photo?</p> <p>4 A. It's a -- I don't know. This is inside of a</p> <p>5 dumpster, looks like.</p> <p>6 Q. You sure it's not inside of that fire locker in the</p> <p>7 middle of the room that the center heater --</p> <p>8 A. Yeah that --</p> <p>9 Q. -- fell on?</p> <p>10 A. -- that could be possible as well. 'Cause it's --</p> <p>11 I don't --</p> <p>12 Q. Did you collect it as evidence?</p> <p>13 A. No, we did not.</p> <p>14 Q. Doesn't that look like a 55-gallon drum of some</p> <p>15 sort?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know if that's plastic or metal?</p> <p>18 A. It's metal.</p> <p>19 Q. Okay. You see, like, a -- a hose kind of attached</p> <p>20 to it? But ...</p> <p>21 A. Yes.</p> <p>22 Q. And do you know what the purpose of that hose was?</p> <p>23 A. I'm assuming to get material out of the container.</p> <p>24 Q. The paint you mean.</p> <p>25 A. I don't know what was in that container, no.</p>
<p style="text-align: right;">Page 239</p> <p>1 A. No, I did not.</p> <p>2 Q. And you didn't have Lou Inen -- Inendino with you,</p> <p>3 did you?</p> <p>4 A. No, I did not.</p> <p>5 Q. And you didn't video it, did you?</p> <p>6 A. I photographed it.</p> <p>7 Q. But you didn't --</p> <p>8 A. Several photographs.</p> <p>9 Q. -- video it, did you?</p> <p>10 A. No.</p> <p>11 Q. So this blue paint on the floor here in this trash</p> <p>12 barrel that's burned to the floor on Page 10 of</p> <p>13 Exhibit CC, how do you account for that still being</p> <p>14 bright blue paint if it's been subjected to</p> <p>15 combustion.</p> <p>16 A. 'Cause it was in an area totally away from the area</p> <p>17 of origin. It was not in the area of origin.</p> <p>18 Q. Despite the fact that the container melted and is</p> <p>19 gone.</p> <p>20 A. It burnt down from the top down, and this was</p> <p>21 inside the container.</p> <p>22 Q. Okay. On this same exhibit, Jim, can you go to</p> <p>23 Page 16. It's this one.</p> <p>24 A. Okay.</p> <p>25 Q. What is that --</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. 'Cause you never swabbed it, did you?</p> <p>2 A. No, I did not.</p> <p>3 Q. What about this silvery-looking stuff on top of the</p> <p>4 container, Exhibit CC, 16? Do you know what that</p> <p>5 stuff is?</p> <p>6 A. No, I don't.</p> <p>7 Q. Do you know if it's a byproduct of Herculiner --</p> <p>8 A. No.</p> <p>9 Q. -- that's been burned?</p> <p>10 A. I don't --</p> <p>11 MR. JONES: Objection, foundation.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. You didn't collect it or test it, did you?</p> <p>14 A. No, I did not. It was not in the area of where I</p> <p>15 believe the fire origin occurred. So that's why</p> <p>16 I -- I didn't collect it at the time.</p> <p>17 Q. Go to the next page, CC, Page 18. Do you see these</p> <p>18 containers?</p> <p>19 A. Yes, sir.</p> <p>20 Q. The one on the far right is sort of rectangular as</p> <p>21 opposed to the cylinder shape on the left?</p> <p>22 A. Yes.</p> <p>23 Q. Did -- this container on the far right, was that</p> <p>24 collected into evidence?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 242</p> <p>1 Q. You sure?</p> <p>2 A. No, it was not -- I -- well, yeah, it was</p> <p>3 collected. I'm sorry.</p> <p>4 Q. Yeah.</p> <p>5 A. Yes.</p> <p>6 Q. We just paid a fellow to take pictures of it.</p> <p>7 A. Yeah.</p> <p>8 Q. And so what kind of can is that? What was in there</p> <p>9 at the time of the fire?</p> <p>10 MR. JONES: Objection to foundation.</p> <p>11 THE WITNESS: I don't know what was in that</p> <p>12 container.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. But it was collected and taken to Indianapolis,</p> <p>15 wasn't it?</p> <p>16 A. Yes.</p> <p>17 Q. And it was recently photographed by one of the</p> <p>18 Rimkus employees, right?</p> <p>19 A. I -- I don't know. I don't know.</p> <p>20 Q. So you can't exclude that can as -- as being --</p> <p>21 having paint thinner in it at the time of the fire,</p> <p>22 can you?</p> <p>23 A. The only thing I can exclude is -- is that that did</p> <p>24 not have -- was not in the area of fire origin.</p> <p>25 So ...</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. So which one's wrong? East or south?</p> <p>2 A. The east is wrong.</p> <p>3 MR. JONES: Objection, asked and answered.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Okay. So you meant south the whole time.</p> <p>6 MR. JONES: Asked and answered.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. Correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did you correct that in your next report?</p> <p>11 A. I don't believe I did because I didn't catch it at</p> <p>12 the time for the difference.</p> <p>13 My second report was based on the -- after the</p> <p>14 tube heaters were evaluated, that it didn't change</p> <p>15 -- that particularly documented that that didn't</p> <p>16 change the -- my opinion. And most of the other</p> <p>17 documentation I'd already given a report to, I</p> <p>18 didn't change. And at the time I didn't catch it.</p> <p>19 Q. Still back on Exhibit CC, Page 19. You see the</p> <p>20 couple, they look to me like gallon can cylin --</p> <p>21 cylinders. You see them?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you know what was in those at the time of the</p> <p>24 fire?</p> <p>25 A. No, I don't.</p>
<p style="text-align: right;">Page 243</p> <p>1 Q. Well, what is the area of fire origin then?</p> <p>2 A. The south section of the building.</p> <p>3 Q. The south heater?</p> <p>4 A. Yeah, correct.</p> <p>5 Q. Okay. Not the east heater.</p> <p>6 A. No. It was the south heater.</p> <p>7 Q. Why did you say in your -- your reports that it was</p> <p>8 in the east heater?</p> <p>9 A. At the time when I was doing my report, I was -- I</p> <p>10 did not have -- I looked at some of the directions,</p> <p>11 and I -- I misdocumented the fact that it was east</p> <p>12 instead of south. I was thinking east side -- east</p> <p>13 of the -- east side of the building where the --</p> <p>14 where the -- the heaters were at. And my</p> <p>15 terminology was not used properly to describe the</p> <p>16 location of the -- of the heater itself.</p> <p>17 Q. On Page 3 of Exhibit F -- you don't have to go to</p> <p>18 it -- your first report, December 3rd, 2019, you</p> <p>19 reference the poi -- the pornt of origin -- point</p> <p>20 of origin as the east two heater twice in one</p> <p>21 paragraph, didn't you?</p> <p>22 A. Right. It should have been south heater.</p> <p>23 Q. Yeah. And in the very next paragraph you use the</p> <p>24 word south heater.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 245</p> <p>1 Q. Did you collect those?</p> <p>2 A. No.</p> <p>3 Q. Never tested them?</p> <p>4 A. Again, I didn't -- there wasn't there any reason</p> <p>5 for me to collect them based on the fact that I did</p> <p>6 not believe they were in an area of fire origin.</p> <p>7 And all evidence that -- or anything that would be</p> <p>8 in this -- the whole facility, and particularly in</p> <p>9 the area of origin, or anything anybody thought was</p> <p>10 area of origin, I would have collected had anybody</p> <p>11 wanted it collected as well.</p> <p>12 Q. So your -- your -- because of the size of this</p> <p>13 fire, you were collecting things in the area of</p> <p>14 origin. Has that got it? That's why --</p> <p>15 A. That's usually why -- you want to try to collect</p> <p>16 things in the area of origin because of the fact</p> <p>17 that there's potential for those things to be</p> <p>18 evaluated. If it's outside the area of origin,</p> <p>19 then it could be collected. But it doesn't</p> <p>20 necessarily have anything to do with determining</p> <p>21 fire cause.</p> <p>22 Q. Then why did you collect the rectangular can shown</p> <p>23 on Page 19 of Exhib CC -- Exhibit CC?</p> <p>24 A. I -- someone brought it to me and wanted to</p> <p>25 collected it --</p>



<p style="text-align: right;">Page 246</p> <p>1 Q. Okay.</p> <p>2 A. -- wanted it collected.</p> <p>3 Q. Okay. But you had determined the south heater was</p> <p>4 the area of origin.</p> <p>5 A. The south end of the building, yes, in -- up in</p> <p>6 the -- the heater.</p> <p>7 Q. Which explains why you went to the trouble and</p> <p>8 expense of collecting the north and central</p> <p>9 heaters.</p> <p>10 A. No. I was asked by our client to collect all the</p> <p>11 heaters. So that's why I collected all of them. I</p> <p>12 just felt, because of the damage that was done, and</p> <p>13 also to that south end of the building, that the</p> <p>14 south heater was the -- the area of or -- fire</p> <p>15 origin.</p> <p>16 Q. Could you go to Page 20 of Exhibit CC, Jim.</p> <p>17 A. Okay.</p> <p>18 Q. There's a couple of cans. One's tipped over. Do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. There's some silver-ish-looking, dried-up gook?</p> <p>22 A. Yes.</p> <p>23 MR. JONES: Objection to form.</p> <p>24 MR. GARDNER: I apologize for my terminology.</p> <p>25 You can use whatever term you want. What is</p>	<p style="text-align: right;">Page 248</p> <p>1 A. I don't -- I don't know what it could have been.</p> <p>2 Put it that way.</p> <p>3 Q. You can't rule out that it was Herculiner, can you?</p> <p>4 MR. JONES: Same objections.</p> <p>5 THE WITNESS: No, I cannot.</p> <p>6 MR. GARDNER: Did you get his answer?</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. Can you go to Exhibit FF. Do you know what the</p> <p>9 product PB B'laster is?</p> <p>10 A. Yes.</p> <p>11 Q. What is it?</p> <p>12 A. It's a spray can usually to spray bolts and nuts to</p> <p>13 loosen them up and things of that nature to --</p> <p>14 Q. Right.</p> <p>15 A. -- to --</p> <p>16 Q. Do you know the comp -- do you know the ingredients</p> <p>17 of it?</p> <p>18 A. No, I don't.</p> <p>19 Q. You haven't ever looked at the technical sheets for</p> <p>20 that?</p> <p>21 A. No.</p> <p>22 Q. Or the data sheets?</p> <p>23 A. No, I have not.</p> <p>24 Q. Do you know if it has either xylene or petroleum</p> <p>25 distillates as an ingredient?</p>
<p style="text-align: right;">Page 247</p> <p>1 that --</p> <p>2 MR. JONES: Objection --</p> <p>3 MR. GARDNER: -- silver stuff?</p> <p>4 MR. JONES: Objection to foundation.</p> <p>5 THE WITNESS: Well, looks like similar to the</p> <p>6 type of material that was on top of the other</p> <p>7 container of --</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. So you didn't collect that?</p> <p>10 A. No.</p> <p>11 Q. Didn't test it?</p> <p>12 A. In this particular picture it also -- it looks like</p> <p>13 that the -- that heat was applied to that</p> <p>14 container. And it also -- all -- caused it to</p> <p>15 explode out. So it was probably --</p> <p>16 Q. What explode -- what explode out?</p> <p>17 A. The top of the -- the lid.</p> <p>18 Q. No, by what element? What --</p> <p>19 A. These -- the product that was inside of that.</p> <p>20 Q. But you don't know what it is.</p> <p>21 A. No.</p> <p>22 Q. And so you -- it could have been Herculiner.</p> <p>23 MR. JONES: Objection to form, foundation.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. You can't rule out --</p>	<p style="text-align: right;">Page 249</p> <p>1 MR. JONES: Objection to form.</p> <p>2 THE WITNESS: I know it would have petroleum</p> <p>3 distillants [sic], possibly, as an ingredient based</p> <p>4 on the fact that, you know, if you measured the</p> <p>5 actual liquid in it because it's got hexane or</p> <p>6 propane in it.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. Have you read the report of -- of Space-Ray's</p> <p>9 expert per hexalent (phonetic)?</p> <p>10 A. I don't recall that report, no.</p> <p>11 Q. He's a chemist in the case.</p> <p>12 A. Okay.</p> <p>13 Q. And you didn't hire a chemist, did you?</p> <p>14 A. No, I did not.</p> <p>15 Q. All right. So did you collect any cans of</p> <p>16 PB B'laster from the fire scene debris?</p> <p>17 A. No.</p> <p>18 Q. Are you sure?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you see any?</p> <p>21 A. I did not see any.</p> <p>22 Q. Do you know if any cans of PB B'laster were in the</p> <p>23 room at the time of the fire?</p> <p>24 A. No.</p> <p>25 MR. JONES: Objection to form and foundation.</p>

<p style="text-align: right;">Page 250</p> <p>1 THE WITNESS: I don't know. That's at ground 2 level. And I -- the fire, by all definition and 3 all that -- by all opinions of everybody that I 4 spoke to, occurred high in the ceiling. So it was 5 not in the area of fire origin. So I didn't 6 collect it. And no one at the site requested any 7 of this information to be collected as well. 8 QUESTIONS BY MR. GARDNER: 9 Q. How did you rule out this fire happening somewhere 10 other than at ceiling height, like ground level or 11 somewhere higher, but below the ceiling? How did 12 you rule that out? And how did you rule out that 13 moving upwards to the ceiling -- 14 MR. JONES: Objection. 15 MR. GARDNER: -- like a lot of fires do? 16 MR. JONES: Objection to form. 17 THE WITNESS: The -- the fact that I was told 18 that the fire -- they saw the fire at ceiling -- 19 high level in the building, near the ceiling. 20 Combine that with the fact that a lot of times when 21 we go to visit -- of the multiple fires that I've 22 investigated, we -- one of the first thing we try 23 to do is determine what's new to the building, 24 what's been introduced to it. A lot of times 25 something new has occurred which changes the</p>	<p style="text-align: right;">Page 252</p> <p>1 A. Yes, it does. 2 Q. And it states, The level of certainty describes how 3 strongly someone holds an opinion or conclusion. 4 Correct? 5 A. Yes. 6 Q. Further it states, Someone may hold an opinion to a 7 higher or lower level of certainty, period. 8 Correct? 9 A. Yes. 10 Q. That level is determined by assessing the 11 investigator's confidence in the data, in the 12 analysis of that data, and testing of hypothesis 13 formed. That level of certainty may be determined, 14 sorry, may determine the practical application of 15 the opinion, comma, especially in legal 16 proceedings. Do you agree with that? 17 A. Yes. 18 Q. And then it says, The investigator should know the 19 level of certainty that is required for providing 20 expert opinions, period. Two levels of certainty 21 commonly used are probable and possible. Correct? 22 A. Yes. 23 Q. Then it -- it says, Possible. At that level of 24 certainty, the hypothesis can be demonstrated to be 25 feasible but cannot be declared probable. Do you</p>
<p style="text-align: right;">Page 251</p> <p>1 dynamics of the building. And I was told that 2 these space heaters were recently installed within 3 a couple months. And that by -- and I started 4 researching the heaters just to -- to add to that 5 the, you know, the bookshelf, so to speak, as I 6 referred to. 7 And when I did that, I noticed that it was 8 talking about the -- these heaters should not be 9 installed in paint areas or paint booths, so to 10 speak. Even though this does not def -- meet the 11 definition of paint booth, that's what was 12 occurring there. 13 Second thing was the fact that when I did the 14 lab test of the products that were inside the 15 tubes, they came up with combustible materials. 16 And then the same thing on the side of the 17 container of the paint. Once it boils off it 18 becomes combustible. Given all those types of 19 things, that's a part of the big puzzle. And it 20 fit the -- the occasion that, you know, in my 21 opinion, more than 51 percent likely to have 22 happened or probable to have happened. 23 QUESTIONS BY MR. GARNER: 24 Q. NFPA 921, Section 4.5, speaks to a fire 25 investigator's level certainty, doesn't it?</p>	<p style="text-align: right;">Page 253</p> <p>1 agree with that -- 2 A. That's what it says -- 3 Q. -- in general? Correct. 4 A. -- general. 5 Q. If two or more hypotheses are equally likely, then 6 the level of certainty must be possible. Correct? 7 A. Yes. 8 Q. And then in terms of definition of probable, 9 according to this book you relied on, NFPA 921, 10 probable is defined as, quote, this level of 11 certainty corresponds to being more likely true 12 than not, period. This level of certainty, the 13 likelihood of hypothesis being true, is greater 14 than 50 percent. Right? 15 MR. JONES: Objection to form and -- 16 THE WITNESS: 51 percent, I think. 17 MR. GARDNER: Right. 18 MR. JONES: Objection to form and foundation. 19 QUESTIONS BY MR. GARDNER: 20 Q. Neither the words "probable" or "likely" are 21 anywhere in either of your two reports, are they? 22 A. No. The word "likely" is not used in any official 23 report. 24 Q. And your -- your -- 25 A. Any -- should not be used anywhere according to --</p>

<p style="text-align: right;">Page 254</p> <p>1 Q. But the word "probable" should be.</p> <p>2 A. "Probable" or "possible" is two -- two words that</p> <p>3 could be used.</p> <p>4 Q. Yeah.</p> <p>5 A. Of course, I already addressed at that earlier in</p> <p>6 the aspect of it was misused in this situation. At</p> <p>7 the time I typed it, I -- there was -- I just made</p> <p>8 an error in that aspect.</p> <p>9 Q. You -- you said probable -- sorry. You said</p> <p>10 possible when you meant probable.</p> <p>11 A. Yes.</p> <p>12 Q. And you had two reports, and three years between,</p> <p>13 you never fixed.</p> <p>14 A. I did not.</p> <p>15 MR. JONES: Objection, asked and answered.</p> <p>16 MR. GARDNER: Okay.</p> <p>17 MR. HEHNER: I did not hear his answer.</p> <p>18 MR. GARDNER: He said, "I did not."</p> <p>19 MR. HEHNER: Okay. Thank you.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. Same manual, in NFPA 921, Section 4.5.2. Quote, if</p> <p>22 the level of certainty of an opinion is merely</p> <p>23 suspected, the opinion does not qualify as an</p> <p>24 expert opinion. You agree with that?</p> <p>25 A. I agree with that statement, yes.</p>	<p style="text-align: right;">Page 256</p> <p>1 THE WITNESS: I would have to agree with that</p> <p>2 statement, yes.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. In other words, if the facts are wrong, the opinion</p> <p>5 could be wrong.</p> <p>6 MR. JONES: Objection to form.</p> <p>7 THE WITNESS: I would say that if you had the</p> <p>8 wrong facts, yes, that would probably be the case.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Yeah. And -- and the strength of the facts or the</p> <p>11 quality of the facts will affect the quality of the</p> <p>12 opinion, correct?</p> <p>13 MR. JONES: Same objections.</p> <p>14 THE WITNESS: Oh, I personally think that you</p> <p>15 have to take everything in consideration. You</p> <p>16 don't just take one fact. There has to be multiple</p> <p>17 facts that you put together versus --</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. You shouldn't exclude any facts either --</p> <p>20 MR. JONES: If he could --</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. -- should you? Okay.</p> <p>23 A. You know what I'm saying? I mean, you could -- you</p> <p>24 could -- obviously, you have ten facts, nine of</p> <p>25 those facts prove to be true and one is</p>
<p style="text-align: right;">Page 255</p> <p>1 Q. Okay. Continuing: If the level of certainty is</p> <p>2 only possible, then the opinion should be</p> <p>3 specifically expressed as possible. Do you agree</p> <p>4 with that?</p> <p>5 A. Yes.</p> <p>6 Q. Continuing and ending: Only when the level of</p> <p>7 certainty is considered probable should an opinion</p> <p>8 be expressed with reasonable certainty, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Section 4.5.3 is referring to expert opinions,</p> <p>11 which you've given in this case, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Right. And you'll agree that your opinions are</p> <p>14 based on facts.</p> <p>15 A. Based on everything: Facts, statements that are</p> <p>16 given to me, the whole scene, what I saw -- what I</p> <p>17 see.</p> <p>18 Q. Right.</p> <p>19 A. Things likes that.</p> <p>20 Q. You haven't expressed any opinions in your 1400</p> <p>21 reports that weren't based on facts, have you?</p> <p>22 A. No, I have not.</p> <p>23 Q. And you'll agree that the strength of the opinion</p> <p>24 is no better than the strength of the facts.</p> <p>25 MR. JONES: Objection to form.</p>	<p style="text-align: right;">Page 257</p> <p>1 questionable, then you -- you'd have to cons --</p> <p>2 make -- my opinion would be it's more likely true</p> <p>3 than not, so to speak, or level of certainty</p> <p>4 becomes true.</p> <p>5 Q. Do you judge the veracity of the witness</p> <p>6 statements?</p> <p>7 MR. JONES: Objection --</p> <p>8 THE WITNESS: If they have -- if they have --</p> <p>9 if I have a reason -- no reason to believe that</p> <p>10 they would not be lying to me, yes. And I don't</p> <p>11 have any reason to believe that or any evidence to</p> <p>12 support that. Sometimes I don't believe clients'</p> <p>13 statements or -- or a -- people's statements --</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. Witness statements you mean?</p> <p>16 A. -- by witness statements --</p> <p>17 Q. Okay.</p> <p>18 A. -- based on why they're wanting to make the</p> <p>19 statement.</p> <p>20 Q. Did you believe Shamir -- Samir?</p> <p>21 A. I -- I believed his comments and his statements to</p> <p>22 be what he -- what he felt was true. I -- that</p> <p>23 was, again, one of those other things I put in the</p> <p>24 book on the shelf. And then as I see the situation</p> <p>25 and see the sites and see the -- the scene itself,</p>

<p style="text-align: right;">Page 258</p> <p>1 then I add to that or subtract from that, one way</p> <p>2 or the other.</p> <p>3 Q. And the thing you subtracted in this case is the</p> <p>4 statement taken from Fred Jones that said the spray</p> <p>5 paint wouldn't go up and get on heaters.</p> <p>6 MR. JONES: Objection to form.</p> <p>7 THE WITNESS: First of all, he didn't tell me</p> <p>8 that, number one. And, number two, is the --</p> <p>9 there's no -- there is no specul -- I say</p> <p>10 speculating the fact that based on the 24-inch</p> <p>11 spray pattern. And that's not totally entirely</p> <p>12 true in this situation.</p> <p>13 MR. GARDNER: So you determined --</p> <p>14 THE WITNESS: The overspray is --</p> <p>15 MR. GARDNER: So --</p> <p>16 THE WITNESS: -- what we're talking about.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. -- you determined that some of the witness</p> <p>19 statements in this case were speculative.</p> <p>20 MR. JONES: Objection to form. Misstates</p> <p>21 testimony.</p> <p>22 THE WITNESS: I did not see his witness</p> <p>23 statement, so I can't attest to his witness</p> <p>24 statement as for as what he's re -- he's referring</p> <p>25 to the spray, not the overspray --</p>	<p style="text-align: right;">Page 260</p> <p>1 THE WITNESS: I did not see their reports. I</p> <p>2 did not see them talking. I did not get that</p> <p>3 information from them at that point in time because</p> <p>4 the -- I didn't realize that they had even had that</p> <p>5 communication with them.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Did you drive up to Indianapolis that day with</p> <p>8 Mr. Inendino, or did you guys drive separate?</p> <p>9 A. No. We drove separately.</p> <p>10 Q. And -- and Mr. Diggle came in from Chicago.</p> <p>11 A. Yes.</p> <p>12 MR. HEHNER: And you said Indianapolis. You</p> <p>13 meant Fort Wayne, didn't you? You said --</p> <p>14 MR. GARDNER: No, they drove up from</p> <p>15 Indianapolis.</p> <p>16 MR. HEHNER: Oh, from. I'm sorry; pardon me.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. So NFPA 921 has a Section 4.5.3 entitled Expert</p> <p>19 Opinions. And it states as follows: Many courts</p> <p>20 have a threshold of certainty for the investigator</p> <p>21 to be able to render opinions in court such as,</p> <p>22 quote, proven to an acceptable level of certainty,</p> <p>23 quote, or, quote, a reasonable degree of scientific</p> <p>24 and engineering certainty, quote, or, quote,</p> <p>25 reasonable degree of certainty within my</p>
<p style="text-align: right;">Page 259</p> <p>1 MR. GARDNER: Did you have --</p> <p>2 THE WITNESS: -- or the mist.</p> <p>3 MR. GARDNER: I apologize.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Did you have any witness statements or statements</p> <p>6 from witnesses at all before you preempted and</p> <p>7 discarded your field notes when you prepared your</p> <p>8 first report?</p> <p>9 MR. JONES: Objection to form; asked and</p> <p>10 answered.</p> <p>11 THE WITNESS: The -- the only thing I had was</p> <p>12 statements that were made to me at the scene</p> <p>13 initially when I was there.</p> <p>14 QUESTIONS BY MR. GARDNER:</p> <p>15 Q. The day after the fire?</p> <p>16 A. Which no one wanted to get involved, so to speak.</p> <p>17 And then I had a -- statements made to me by Fred</p> <p>18 Jones while I was at the site doing some collection</p> <p>19 of the evidence.</p> <p>20 Q. So Fred Jones didn't directly tell you this thing</p> <p>21 that I think was Mr. Inendino and Mr. Diggle</p> <p>22 recorded about the paint, that sprayer wouldn't</p> <p>23 allow the paint to go -- defy the law of gravity</p> <p>24 and get up 14 feet in the air on these heaters.</p> <p>25 MR. JONES: Objection to form.</p>	<p style="text-align: right;">Page 261</p> <p>1 profession, quote. You're familiar with that,</p> <p>2 aren't you?</p> <p>3 A. Yes.</p> <p>4 Q. But you failed to state your opinions with any</p> <p>5 degree -- stating any degree of certainty in any</p> <p>6 field, didn't you?</p> <p>7 MR. JONES: Objection to form.</p> <p>8 THE WITNESS: Those words were not used. But</p> <p>9 that's my opinion. And I -- and I feel I have the</p> <p>10 level of degree of certainty by giving those</p> <p>11 opinions.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. But the phrase "degree of certainty" is nowhere in</p> <p>14 either of your reports, correct?</p> <p>15 A. It is not in the report, no, that -- those</p> <p>16 particular words are not.</p> <p>17 Q. I'm gonna read -- so you're -- you're -- NFPA 921</p> <p>18 guideline that you refer to in both your reports,</p> <p>19 it suggests keeping an open mind, doesn't it,</p> <p>20 throughout --</p> <p>21 A. Yeah.</p> <p>22 Q. -- the investigation?</p> <p>23 A. Right. Throughout the investigation, yes.</p> <p>24 Q. Okay. I'm gonna read to you just a little bit out</p> <p>25 of Samir's deposition taken October --</p>

<p style="text-align: right;">Page 262</p> <p>1 October 31st, 2022, which you've never read.</p> <p>2 MR. JONES: Which page are you on --</p> <p>3 MR. GARDNER: 36 --</p> <p>4 MR. JONES: -- of the depo?</p> <p>5 MR. GARDNER: -- 36.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. The question is:</p> <p>8 "So initially you said you didn't see any</p> <p>9 flames. Did you, at some point in time, see flames</p> <p>10 coming from the operations building?</p> <p>11 "A. Yes. You could see the flames. As soon</p> <p>12 as we got done pulling the supervisor trucks away</p> <p>13 from the south side of the building, you could see</p> <p>14 flames. The very tip-top of the building where the</p> <p>15 roof and, you know, obviously the rafters met, you</p> <p>16 could see flames coming out of there. And then</p> <p>17 from the overhead doors, the closest one to the</p> <p>18 exterior of that building on the south side. That</p> <p>19 one had flames coming out of it as well."</p> <p>20 Have you ever heard that before today?</p> <p>21 A. No.</p> <p>22 Q. So you didn't have that information when you</p> <p>23 prepared your opinions, did you?</p> <p>24 MR. JONES: Objection, asked and answered.</p> <p>25 THE WITNESS: Well, I didn't have the</p>	<p style="text-align: right;">Page 264</p> <p>1 main entrance to the operations building."</p> <p>2 You've never heard that before today, have</p> <p>3 you?</p> <p>4 A. No. Other than the fact that you said before on</p> <p>5 the first one that he saw flames coming from the</p> <p>6 roof first.</p> <p>7 Q. That's -- I disagree --</p> <p>8 A. Fires were coming from the -- that opening from the</p> <p>9 south side.</p> <p>10 MR. GARDNER: I'll move to strike the answer</p> <p>11 as not being what I said, let alone what Samir</p> <p>12 said.</p> <p>13 Page 60, Line 1.</p> <p>14 "Q. I'm sorry. So it would be the one to the</p> <p>15 furthest south; is that correct?</p> <p>16 "A. Yes, sir. The furthest south, yes, sir.</p> <p>17 That door."</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Have you ever heard that before today?</p> <p>20 A. No.</p> <p>21 Q. Did you ask Republic to provide you with</p> <p>22 depositions?</p> <p>23 A. I did not, no.</p> <p>24 Q. Did you ask Republic's attorneys to provide you</p> <p>25 with any depositions?</p>
<p style="text-align: right;">Page 263</p> <p>1 paperwork. I had the verbal information that there</p> <p>2 was flames coming from the roof and that the --</p> <p>3 they observed -- well, put it this -- no, flames</p> <p>4 coming -- it appeared to be coming from the roof of</p> <p>5 the -- or the ceiling level.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. So you had different information than the entirety</p> <p>8 of Samir's answer to that question.</p> <p>9 MR. ZOCCOLA: Objection --</p> <p>10 MR. JONES: Objection to form. You can</p> <p>11 answer.</p> <p>12 THE WITNESS: Yes. I had different</p> <p>13 information given to me even by him, yes, from</p> <p>14 that -- at that point.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Same deposition, Samir Dizdarevic, taken</p> <p>17 October 31st, '22. Page 59, questions by counsel</p> <p>18 for Space-Ray, Line 13.</p> <p>19 "Did you see flames coming out of either of</p> <p>20 the garage doors on the southern side of that</p> <p>21 building?</p> <p>22 "A. Yes, sir.</p> <p>23 "Q. In which? Was it both? One, can you</p> <p>24 explain that for me?</p> <p>25 "A. It was the furthest one away from the</p>	<p style="text-align: right;">Page 265</p> <p>1 A. No. I based my opinion on what facts I gather and</p> <p>2 what facts I collected and on -- and I did not --</p> <p>3 first of all, I didn't even know some of these</p> <p>4 dep -- these people were de -- deposed until, you</p> <p>5 know, I was getting prepared for this. And then</p> <p>6 I -- I was -- it -- my understanding that some of</p> <p>7 them were -- had been dis -- deposed already.</p> <p>8 So --</p> <p>9 Q. So Exhibit FF, there's some writing on that can.</p> <p>10 Do you see that? Look at the writing there.</p> <p>11 A. Yes.</p> <p>12 Q. I've never -- I have not seen an evidence</p> <p>13 collection form from Rimkus referencing this can,</p> <p>14 have you?</p> <p>15 A. I don't know what it says. So I can't tell you.</p> <p>16 Q. Isn't that your handwriting?</p> <p>17 A. Yeah. But I can't tell what it says on there.</p> <p>18 Q. I believe the Rimkus file number's at the top. And</p> <p>19 then it says, Wipes on small desk north something.</p> <p>20 Isn't that your handwriting?</p> <p>21 MR. JONES: Objection to form.</p> <p>22 MR. HEHNER: On Page 1 --</p> <p>23 MR. GARDNER: Yes, sir.</p> <p>24 MR. HEHNER: -- of 3? Thank you.</p> <p>25 MR. GARDNER: Date May 11 --</p>

<p style="text-align: right;">Page 266</p> <p>1 THE WITNESS: Yeah. On the C section or</p> <p>2 whatever --</p> <p>3 MR. GARDNER: Yeah.</p> <p>4 THE WITNESS: -- it says on there.</p> <p>5 MR. GARDNER: May --</p> <p>6 THE WITNESS: I see C section but -- Section C</p> <p>7 of the building that I -- that I referred to, the</p> <p>8 north --</p> <p>9 MR. GARDNER: What --</p> <p>10 THE WITNESS: -- north end of the structure.</p> <p>11 MR. GARDNER: Okay.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. And it says May 11, 2020?</p> <p>14 A. On this -- yeah. It says that on the -- on the</p> <p>15 can, yes.</p> <p>16 Q. And then your name, Jim, looks like --</p> <p>17 A. Yeah.</p> <p>18 Q. -- F-O-S-T, right?</p> <p>19 A. Right.</p> <p>20 Q. So it's your handwriting.</p> <p>21 A. Yes.</p> <p>22 Q. Where's this can today?</p> <p>23 MR. JONES: Objection to foundation.</p> <p>24 THE WITNESS: Should be in -- at Rimkus</p> <p>25 Consulting Group. Ever -- all our information</p>	<p style="text-align: right;">Page 268</p> <p>1 Exhibit FF, Page 3. You see --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- looks like part of a tape measure?</p> <p>4 A. Yes.</p> <p>5 Q. A gallon can with no writing on it?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Yes?</p> <p>8 A. Yes.</p> <p>9 Q. And do you see, it looks like a can that's exploded</p> <p>10 or rusted through --</p> <p>11 A. Spray can?</p> <p>12 MR. JONES: Objection to form.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Do you know what that spray can is?</p> <p>15 A. No, I do not.</p> <p>16 Q. Why is it photographed?</p> <p>17 MR. JONES: Objection to form.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. Why was it photographed?</p> <p>20 A. I think I was coming out -- at that point in time</p> <p>21 out to where the -- showing where the -- I</p> <p>22 collected the evidence and in this -- in this</p> <p>23 container. But it -- I'm just measuring it out</p> <p>24 from the wall. 'Cause you're not -- overall did</p> <p>25 not show the picture; it just shows the first two</p>
<p style="text-align: right;">Page 267</p> <p>1 goes -- or all our --</p> <p>2 MR. GARDNER: Can you go to the next page.</p> <p>3 THE WITNESS: -- evidence goes there.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. Exhibit FF, Page 2. Another can. You see it?</p> <p>6 A. Yes.</p> <p>7 Q. Is that your handwriting?</p> <p>8 A. Yes.</p> <p>9 Q. Can you read it to us?</p> <p>10 A. No.</p> <p>11 Q. Was this taken into evidence? And is there a</p> <p>12 custody form for it?</p> <p>13 A. There was a custody for everything that is taken</p> <p>14 into evidence.</p> <p>15 Q. What is inside the cans shown in Exhibit FF,</p> <p>16 Pages 1 and 2?</p> <p>17 MR. JONES: Objection to foundation.</p> <p>18 THE WITNESS: I cannot read what's on the top</p> <p>19 of this thing. But it would tell you on there what</p> <p>20 it would -- what it would -- where it came from.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. So you don't know what's in the cans.</p> <p>23 A. Not by -- unless I'd be able to read it, yes, I</p> <p>24 cannot -- don't know what's in that.</p> <p>25 Q. If you go to the third page of this exhibit.</p>	<p style="text-align: right;">Page 269</p> <p>1 feet of where the -- the --</p> <p>2 Q. So you didn't take this picture because of this</p> <p>3 partially exploded -- or whatever --</p> <p>4 A. No, I didn't take it because of the can.</p> <p>5 MR. JONES: Objection to form.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Well, what were you trying to document if not this</p> <p>8 weird can that looks like it's burned and rusted?</p> <p>9 MR. JONES: Same objection.</p> <p>10 THE WITNESS: Wherever we take evidence at,</p> <p>11 typically what we do is we measure from two points</p> <p>12 of location. Like, either from the front of the</p> <p>13 building to the evidence or from the, you know,</p> <p>14 either east or west side -- however you want to</p> <p>15 refer to it as -- or from a point of origin. And</p> <p>16 we measure out. Sometimes we cannot get the whole</p> <p>17 thing in a -- the photograph and so we measure out.</p> <p>18 In this particular picture I was just -- I was</p> <p>19 just doing measurements of this pile of stuff that</p> <p>20 was here and how far away it was from the wall.</p> <p>21 Q. Did you collect that?</p> <p>22 A. So I did not collect that, no.</p> <p>23 Q. On --</p> <p>24 A. I -- I was going to. But I -- at the time I was</p> <p>25 there, I decided to just limit my -- limit to the</p>



<p style="text-align: right;">Page 270</p> <p>1 Space-Ray heaters. Because I didn't want to</p> <p>2 disturb any evidence more than what was --</p> <p>3 Q. Was this May 10th, 2019?</p> <p>4 A. Yes. I believe so. I can't -- I don't know for</p> <p>5 sure in this particular photograph. It could have</p> <p>6 been on the day of the examination. I'm not sure.</p> <p>7 MR. GARDNER: Time for a five-minute break?</p> <p>8 MR. JONES: That's great.</p> <p>9 MR. ZOCCOLA: Yeah.</p> <p>10 THE VIDEOGRAPHER: This ends media three. The</p> <p>11 time is 3:59, and we are off the record.</p> <p>12 (A brief recess was taken.)</p> <p>13 THE VIDEOGRAPHER: This begins media four.</p> <p>14 The time is 4:13. We are on the record.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Jim, we're just back from a break. And I'm</p> <p>17 directing your attention quickly to Exhibit R,</p> <p>18 32 pages. It's the Modine -- one of the Modine</p> <p>19 installation and service manuals?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Do you see it?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever -- have you ever, during your course</p> <p>24 of the investigation, preparing your reports, refer</p> <p>25 to this manual?</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. -- as in victory. It should be next or close.</p> <p>2 It's two pages. Do you see this?</p> <p>3 A. Yes.</p> <p>4 Q. This one's undated. I questioned Mr. Trevor Miller</p> <p>5 of Korte Does It All about it during his</p> <p>6 deposition. And he indicated he prepared this</p> <p>7 quote -- the record can correct me if I'm wrong --</p> <p>8 a couple of months before this fire and in</p> <p>9 connection with removing the old Modine units from</p> <p>10 building 1 and installing gas infrared tube</p> <p>11 heaters. That's what he told us anyway. Have you</p> <p>12 seen this before?</p> <p>13 A. No.</p> <p>14 Q. All right. Did you ask Korte, when you called them</p> <p>15 up, to produce a copy of their bid for installing</p> <p>16 gas infrared tube heaters inside of building</p> <p>17 number 1?</p> <p>18 A. No, I did not. I did ask Kyle if they had a copy</p> <p>19 of the bid, since that's what they referred to.</p> <p>20 And they were not able to produce that at the time.</p> <p>21 Q. You mean at any time.</p> <p>22 A. At any time, they didn't produce it.</p> <p>23 Q. Okay. Can you think of any reason for Trevor</p> <p>24 Miller, whose name's identified at the bottom of</p> <p>25 Exhibit V, to quote Republic for the cost of Korte</p>
<p style="text-align: right;">Page 271</p> <p>1 A. No, I have not.</p> <p>2 Q. Okay. You're never read any of it, correct?</p> <p>3 A. No.</p> <p>4 Q. And the contents of it then were not in any way,</p> <p>5 shape, or form considered by you in preparing your</p> <p>6 opinions in this case.</p> <p>7 A. No, it was not.</p> <p>8 Q. Okay. Same question for the next Exhibit S. It's</p> <p>9 a different Mo -- Modine style manual for gas-fired</p> <p>10 power vented unit heaters, propeller, and blower</p> <p>11 models. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. It's 28 pages. Have you ever seen this before</p> <p>14 today?</p> <p>15 A. No, I have not.</p> <p>16 Q. Never read it before today?</p> <p>17 A. No.</p> <p>18 Q. So you couldn't have considered any of the contents</p> <p>19 of this manual when you prepared your opinions in</p> <p>20 this case, correct?</p> <p>21 A. I did not.</p> <p>22 Q. Can you go to Exhibit V?</p> <p>23 A. D?</p> <p>24 Q. V --</p> <p>25 A. V.</p>	<p style="text-align: right;">Page 273</p> <p>1 Does It All for removing the existing hanging unit</p> <p>2 heaters in the paint shop and installing gas</p> <p>3 infrared tube heaters if they recommended against</p> <p>4 it?</p> <p>5 MR. JONES: Objection to form.</p> <p>6 THE WITNESS: I don't have any information</p> <p>7 about what the discussions were between Korte and</p> <p>8 between Republic. The only thing that I was given</p> <p>9 information by was the fact that Korte was doing</p> <p>10 other things there, and they were in the process of</p> <p>11 kind of remodeling those -- that whole building</p> <p>12 technically. And Korte had given them -- and they</p> <p>13 want these new heaters put in. And I was told</p> <p>14 that, according to Korte, that the type of heaters</p> <p>15 that were installed was not appropriate for that</p> <p>16 type of facility due to the painting that was</p> <p>17 involved in the facility.</p> <p>18 MR. GARDNER: I'm --</p> <p>19 THE WITNESS: That's all I was told.</p> <p>20 MR. GARDNER: -- I'm lost in your answer.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. At the end of it you said that type of heater was</p> <p>23 not the right type of heater. Are you talking</p> <p>24 about the Modines or the Space-Rays?</p> <p>25 A. No, not the Modine. The Space-Ray tile -- style --</p>

<p style="text-align: right;">Page 274</p> <p>1 Q. So my question to you is --</p> <p>2 A. -- style heaters.</p> <p>3 Q. -- and I don't -- listen carefully. Why -- do you</p> <p>4 know why Korte would bid to remove the Modine</p> <p>5 heaters from building -- inside building number 1,</p> <p>6 there were three of them, and install gas-fired</p> <p>7 tube heaters if they were recommending against the</p> <p>8 installation of that style heater?</p> <p>9 MR. JONES: Objection to form; asked and</p> <p>10 answered.</p> <p>11 MR. GARDNER: It's a yes-or-no question.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. Do you know?</p> <p>14 A. I -- no, I don't know. I have no reason to know</p> <p>15 what they discussed or what they decided to do.</p> <p>16 Q. But you were told that they recommended against it,</p> <p>17 and here you're looking at a bid for it. Correct?</p> <p>18 Exhibit V?</p> <p>19 A. Yeah. I was -- I -- I have not -- I didn't know</p> <p>20 anything about a bid was -- other than I was told</p> <p>21 that they had bid earlier on -- or they had</p> <p>22 contacted them to see if they would be able to do</p> <p>23 that. And they were told -- I was told that they</p> <p>24 had told Republic Services that they could not --</p> <p>25 that they would -- would not want to install that</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. Exhibit W is a diagram.</p> <p>2 A. Okay.</p> <p>3 Q. Have you seen that before today?</p> <p>4 A. No, I have not.</p> <p>5 Q. You didn't prepare it, did you, Jim?</p> <p>6 A. No.</p> <p>7 Q. So far as you know, no one from Rimkus prepared it,</p> <p>8 right?</p> <p>9 A. To my knowledge, no.</p> <p>10 Q. Do you know when it was prepared?</p> <p>11 MR. JONES: Objection to form, foundation.</p> <p>12 THE WITNESS: No, I don't.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. All right. This exhibit sticker is covering up the</p> <p>15 -- the word Korte. And I know that -- and I</p> <p>16 apologize for that. There is another copy that's</p> <p>17 been circulated. 'Cause we got this, I think, from</p> <p>18 Korte.</p> <p>19 Anyway, Korte -- it's my understanding, Jim,</p> <p>20 and the record will correct me if I'm wrong, that</p> <p>21 this diagram in Exhibit W and these words were</p> <p>22 written by someone from Korte Does It All. You --</p> <p>23 but you've -- you didn't rely on it, did you?</p> <p>24 A. I did not. Not --</p> <p>25 MR. JONES: Objection, foundation.</p>
<p style="text-align: right;">Page 275</p> <p>1 type of heater in that type of environment.</p> <p>2 Q. And in -- and indeed --</p> <p>3 A. I don't --</p> <p>4 Q. -- you included that commentary in your reports,</p> <p>5 didn't you?</p> <p>6 A. So -- the only commentary I had in my report was</p> <p>7 the fact the type of heaters were not suitable for</p> <p>8 that, and it was a prior company. I didn't mention</p> <p>9 Korte by name, but a prior company was contacted --</p> <p>10 Q. Told them not --</p> <p>11 A. -- and told them not -- that those type of heaters</p> <p>12 were not utilized in that type of environment.</p> <p>13 Q. I think your word in your report was "not</p> <p>14 recommended."</p> <p>15 A. Yes.</p> <p>16 Q. So you didn't have access to this report when you</p> <p>17 prepared your two expert opinions, did you?</p> <p>18 A. I did not have access to this, no.</p> <p>19 Q. If I called it a report I meant it -- this bid,</p> <p>20 Exhibit V. You didn't have access to Exhibit V,</p> <p>21 did you?</p> <p>22 A. Right. And I have no reason -- no knowledge of why</p> <p>23 it exists.</p> <p>24 Q. You can't explain it, can you?</p> <p>25 A. I cannot.</p>	<p style="text-align: right;">Page 277</p> <p>1 THE WITNESS: The first time I've seen this</p> <p>2 document was today.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. All right. So if you look at the top of the page,</p> <p>5 which would be that -- that square that says 48 by</p> <p>6 48 by 48; do you see that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And the word "paint" is inside of there?</p> <p>9 A. Yes.</p> <p>10 Q. Skipping over the rectangular building number 2,</p> <p>11 and skipping to building number 3, on the more</p> <p>12 northern end, do you see the words "paint" inside</p> <p>13 there?</p> <p>14 A. Yes.</p> <p>15 Q. Does that conflict with what you had been told by</p> <p>16 Republic employees that painting was only conducted</p> <p>17 in building number 1 and not buildings 3 and 4?</p> <p>18 MR. JONES: Objection to form, foundation.</p> <p>19 Document speaks for itself.</p> <p>20 THE WITNESS: The way I understand it, they</p> <p>21 did paint in the south end of the building. And</p> <p>22 then they would move the containers from there into</p> <p>23 the next section over, just to get them out of the</p> <p>24 way to paint other containers. Because they were</p> <p>25 painting multiple containers a day --</p>

<p style="text-align: right;">Page 278</p> <p>1 MR. GARDNER: Right. So you don't know --</p> <p>2 THE WITNESS: -- to try to --</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. -- if they ever painted inside of building number 3</p> <p>5 shown in Exhibit Z, Page 2, do you?</p> <p>6 A. No, I do not.</p> <p>7 MR. JONES: Same objections.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. So the Page 2 of Exhibit W is a -- kind of a</p> <p>10 rough -- you can turn that page, I think. Should</p> <p>11 be a Page 2.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Yeah. Have you seen this diagram today that's</p> <p>14 labeled on the top left Korte Does It All, Inc.?</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Have you seen it before today?</p> <p>18 A. No.</p> <p>19 Q. It shows some very rough dimensions. Do you see</p> <p>20 the 30 on the top of the drawing and 60 along this</p> <p>21 right side?</p> <p>22 A. Yes.</p> <p>23 Q. And there's a kind of a square sticking out of the</p> <p>24 top left. Looks like it's 17 foot 3 inches by</p> <p>25 17 feet 5 inches; do you see that?</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. And then 15 feet 4 inches tall?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And he told us that that was his</p> <p>4 measurement inside of building number 1 where they</p> <p>5 did welding and cutting and spraying operations</p> <p>6 from floor to ceiling. That's what he said in his</p> <p>7 dep.</p> <p>8 A. Okay.</p> <p>9 Q. Did you know that before today?</p> <p>10 A. I -- roughly I knew the height of the building.</p> <p>11 But the -- I was also told that the heaters were</p> <p>12 only about nine to ten feet above the ground.</p> <p>13 Q. Right.</p> <p>14 A. So --</p> <p>15 Q. And that -- that comported with kind of what you</p> <p>16 conclude here in your -- you all right?</p> <p>17 A. Yes.</p> <p>18 Q. -- your origin and cause report that these heaters</p> <p>19 were nine feet off the floor.</p> <p>20 MR. JONES: Objection to form.</p> <p>21 THE WITNESS: I didn't say that in my report.</p> <p>22 All I knew is that they were not at -- touching the</p> <p>23 ceiling. They were hanging from the ceiling.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. Do you know if prior to the fire Republic was</p>
<p style="text-align: right;">Page 279</p> <p>1 A. Yes.</p> <p>2 Q. Do you have any notion of what -- I'll just point</p> <p>3 to it for you. Do you have any notion what was in</p> <p>4 this space?</p> <p>5 MR. JONES: Objection to form, foundation.</p> <p>6 THE WITNESS: I don't know what this --</p> <p>7 MR. GARDNER: Thomas is right.</p> <p>8 THE WITNESS: I don't know what these are --</p> <p>9 are these reference to --</p> <p>10 MR. GARDNER: Hold on, Jim. I'm gonna --</p> <p>11 Thomas's objection's right. He laid an objection</p> <p>12 on foundation, so let me give it to you.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. We obtained or I obtained Exhibit W, Page 2</p> <p>15 responsive to a subpoena to Korte Does It All, and</p> <p>16 then I asked Trevor Miller what this was. And he</p> <p>17 told me when he went out to Republic space to bid</p> <p>18 the installa -- removal and installation of new</p> <p>19 heaters inside of building number 1 couple months</p> <p>20 before the fire, he prepared this diagram. So</p> <p>21 that's the foundation.</p> <p>22 A. Okay.</p> <p>23 Q. Okay. So do you see at the top where he writes 30</p> <p>24 by 60?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 281</p> <p>1 soliciting bids from different contractors to move</p> <p>2 the paint operations over into the fleet</p> <p>3 maintenance building?</p> <p>4 MR. JONES: Objection to form.</p> <p>5 THE WITNESS: I have no knowledge of that.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. No -- nobody from Republic ever told you that?</p> <p>8 A. No, sir.</p> <p>9 Q. Can you go to Exhibit X.</p> <p>10 A. (Witness complies.)</p> <p>11 Q. I may not have it here.</p> <p>12 Skip that exhibit. I'm not going to have any</p> <p>13 questions on it. Go to Exhibit Y, please, Jim.</p> <p>14 A. All right.</p> <p>15 Q. This is -- some of this, the beginning of it or</p> <p>16 couple of emails between counsel in the case, more</p> <p>17 particularly me and Thomas Jones, who's sitting to</p> <p>18 your right, regarding my questions about where you</p> <p>19 obtained your samples. And he referred us to some</p> <p>20 photos.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you assist Thomas in doing that?</p> <p>23 A. He already had -- I already had the photos. Well,</p> <p>24 I -- I don't think the photos had been produced yet</p> <p>25 as for as that part's concerned. And I -- and I</p>

<p style="text-align: right;">Page 282</p> <p>1 produced those photos from that -- from my file,  2 yes.  3 Q. Okay. Can you go to Page 4 of Exhibit Y. At the  4 top --  5 A. Four?  6 Q. Yeah, you're --  7 A. Okay.  8 Q. -- on the right page. At the top left it says  9 F.A.S.T. And then the top heading is  10 F.A.S.T. Laboratory Worksheet. Do you see that?  11 A. Yes.  12 Q. Case 6224 --  13 A. Nine?  14 Q. It could be a 9. Have you worked with Miss Sharee  15 Wells in prior cases -- in cases prior to this?  16 A. Yes, I have.  17 Q. All right. Do you recognize this as being her  18 handwriting?  19 A. We don't -- I don't get this paperwork from her,  20 this particular sheet.  21 Q. You just got her page-and-a-half --  22 A. Just the --  23 Q. Final report --  24 A. -- final report, yes.  25 Q. Right. Yeah.</p>	<p style="text-align: right;">Page 284</p> <p>1 don't know.  2 Q. Did you ask Sharee Wells, as part of your request,  3 that she perform testing in this case to perform a  4 flame test of the Blue Sheboygan paint?  5 A. No, I did not.  6 Q. You sure?  7 A. I did not ask her.  8 Q. Okay. You didn't ask her to perform a -- a flame  9 test of the Blue Sheboygan paint in a wet stage?  10 A. Yes, I -- there -- she act -- she actually  11 contacted me because she wanted to continue on  12 with -- to just try to determine if there was  13 anything particularly with the swab -- the swab.  14 Because typically they could control samples,  15 anytime there's a question that comes up about  16 something.  17 And so I sent her a control sample of the  18 swab. It's actually sterile. And then also sent  19 her a control sample of the paint. And those are  20 what I sent to have tested just to -- is what she  21 requested.  22 Q. Try to listen a little carefully. I didn't ask you  23 any of that. I'm just asking you about flame  24 tests. Did you ask her to perform a flame test to  25 the paint in a wet state?</p>
<p style="text-align: right;">Page 283</p> <p>1 A. And it's a typed report. So I don't have any idea  2 about her --  3 Q. Right.  4 A. -- handwriting.  5 Q. And you relied on her report as part of your -- the  6 foundation for your opinions in this case?  7 A. Yes. A typical lab report, yes.  8 Q. You'll concede that neither of your reports, one of  9 which you pared -- prepared in 2019, and one which  10 you prepared in 2022, don't make any reference to a  11 flame test being negative.  12 MR. JONES: Objection to form.  13 THE WITNESS: I have no information regarding  14 that.  15 QUESTIONS BY MR. GARDNER:  16 Q. You can just look at the first page there. If you  17 page --  18 A. Number.  19 Q. I'm sorry, Page 4. See on the left where she  20 wrote, on her F.A.S.T. Laboratory Worksheet, flame  21 test negative, number four?  22 A. Yes.  23 Q. Do you know what that means?  24 A. They've used some sort of a flame to ignite  25 something that the -- the evidence, I guess. I</p>	<p style="text-align: right;">Page 285</p> <p>1 A. I'm just -- I don't -- I don't ask for what test  2 they do. All I do is send the -- send the -- the  3 test to them to have it -- to have it tested. As  4 for as my samples, I have -- I send it to them to  5 have it tested for any type of residue for ignition  6 source. Or ignition -- or not ignition. But --  7 Q. How about flamm --  8 A. -- ignitable liquids, I guess you could say.  9 Q. Okay.  10 A. But in this particular case where I sent -- where I  11 sent the samples separate to her, she performs  12 whatever tests she wants to perform on those for a  13 control sample --  14 Q. You -- you --  15 A. -- based on what was sent before.  16 Q. Okay. And you did not request Sharee Wells, nor  17 anyone else, to ever try to burn, ignite, or  18 combust the Blue Sheboygan paint in either -- in  19 either a wet stage or a dry stage or any stage,  20 correct?  21 A. No, I did not --  22 Q. Okay.  23 A. -- 'pecifically request that.  24 Q. Why had you never or had anyone on your behalf or  25 behalf of Republic attempt to burn this Blue</p>

<p style="text-align: right;">Page 286</p> <p>1 Sheboygan paint in any state, whether it be wet, 2 dry, or boiled? 3 MR. JONES: Objection to form. 4 THE WITNESS: My personal opinion, based on my 5 years of -- of being a fire investigator, and also 6 with the scene that presented itself, that the 7 tests that were done and the samples that were 8 taken, give me credibility to what occur -- what 9 would have occurred in that situation. And that's 10 basically what I -- with -- we're supposed to do 11 with a degree of certainty. And that's what I try 12 to always do in any fire scene that I investigate. 13 And the degree of certainty in this case 14 surpassed what I would have rec -- what I -- if I 15 decided that this wasn't a poten -- a -- a possible 16 cause of the fire, then I would have changed it 17 to -- you know, went maybe a little bit farther. 18 But the aspect of this was that everything led 19 to -- to this being the potential, or not the 20 potential, but the probable cause of the fire. And 21 when I got the information from the lab that 22 these -- all these swabs -- you know, if there was 23 only one of them that contained it, I probably 24 wouldn't have went as -- as strong as I would 25 have --</p>	<p style="text-align: right;">Page 288</p> <p>1 label of the container, it says if it's boiled off, 2 it presents a -- the properties of a flammable, or 3 not flammable, but combustible liquid. Which 4 basically, when you look those up, that's 5 equivalent to, like, diesel fuel, other -- other 6 flammable products, or combustible products, that 7 would have been easily ignited. 8 And given the situation that this occurred and 9 by what I saw at the site, then I -- that's what I 10 made -- based my decision on. 11 QUESTIONS BY MR. GARDNER: 12 Q. I got a little mixed up on whether Sharee Wells 13 ever told you verbally that she performed a flame 14 test on the Blue Sheboygan paint, and the result 15 was negative. Did she ever tell you that? 16 A. No. 17 Q. That's why it's not included in your report -- 18 A. Information. 19 Q. -- right? 20 A. Yes. But it was on the -- I'm assuming it was on 21 the liquid part of the paint that would've she 22 tested it; is that correct? Or was it dry tested? 23 I don't know. 24 Q. That's my main point. 25 A. Or boiled off.</p>
<p style="text-align: right;">Page 287</p> <p>1 QUESTIONS BY MR. GARDNER: 2 Q. Do you remember the question? 3 A. No. But I was -- I was trying to answer -- 4 MR. GARDNER: Strike the rest of this answer 5 here. I'm asking you about flame tests -- 6 THE WITNESS: I -- 7 MR. GARDNER: -- and I think you've answered. 8 THE WITNESS: -- and I told you I didn't 9 request a flame test. 10 MR. GARDNER: Okay. And then the question 11 was: Why? And I think you've answered. Okay. I 12 could save Space-Ray some time tonight and ask -- 13 or some other day. 14 QUESTIONS BY MR. GARDNER: 15 Q. Would you be willing to reconsider your hypothesis 16 that Blue -- Blue Sheboygan paint ignited or 17 combusted after it became dry if a chemist or some 18 expert can show you that it is not combustible or 19 ignitable or -- nor will sustain combustion in a 20 dry form or after it's boiled? 21 MR. JONES: Objection to form, foundation. 22 THE WITNESS: I can only base my opinion on 23 the facts that were presented to me. And the facts 24 that were presented to me was the -- even by the 25 company's paint and by the comp -- by -- on the</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. You don't know, do you? 2 A. No, I don't. 3 Q. And you've never had the paint boiled off to see 4 what happens, have you? 5 A. I've never done that. But in this particular case 6 it obviously was on the products that I saw and -- 7 or on the heater units that I saw. And also it was 8 dried on there. So there's no reason for me not to 9 believe that this paint accumulated prior to the 10 fire and was a source of combustible material to -- 11 once the heaters kicked on to -- that ignited the 12 fire. 13 That was my opinion. And that's based on the 14 scientific method of trying to eliminate everything 15 else involved to a certain degree, or degree of 16 certainty, I should say, as well as the fact that 17 that certain degree or degree of certainty was 18 overwhelmingly -- everything I looked at was 19 pointing more towards these heaters than anything 20 else. 21 Q. Right. The degree of certainty about which you 22 failed to put in your reports. 23 A. I did not fail to put -- 24 MR. JONES: Objection to form; asked and 25 answered.</p>

<p style="text-align: right;">Page 290</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. You failed to put the words in there.</p> <p>3 A. Those particular words. But those particular words</p> <p>4 does not mean that I didn't use that degree of</p> <p>5 certainty to form my opinions.</p> <p>6 Q. Can you go to Page 5 of Exhibit Y. This is a --</p> <p>7 A. Okay.</p> <p>8 Q. -- Rimkus evidence custody form. Your handwriting,</p> <p>9 isn't it?</p> <p>10 A. Yes.</p> <p>11 Q. Dated date of collection May 10, 2019?</p> <p>12 A. Yes.</p> <p>13 Q. Exhibits A, B, C?</p> <p>14 A. Yes.</p> <p>15 Q. Did you label multiple samples using the same</p> <p>16 letters as A, B, C, as you did this page?</p> <p>17 A. The only thing I did was if it was a different</p> <p>18 date, then they might have been labeled the same.</p> <p>19 Q. Turn the page over, Page 6 of the same exhibit,</p> <p>20 top, same date, isn't it, May 10, 2019?</p> <p>21 A. Right.</p> <p>22 Q. And these are referencing the swabs --</p> <p>23 MR. JONES: It's a different date. Are you on</p> <p>24 Page 7.</p> <p>25 MR. GARDNER: No. Page 6, Thomas.</p>	<p style="text-align: right;">Page 292</p> <p>1 A. I don't know.</p> <p>2 Q. Well, when you -- when you wrote --</p> <p>3 A. It was possibly done by the laboratory, based on</p> <p>4 the fact that it was -- I think they used the</p> <p>5 same -- used the --</p> <p>6 Q. You just guessing?</p> <p>7 A. I don't know who -- who marked those out for sure.</p> <p>8 Q. I'm not asking you that at this point. I'm asking</p> <p>9 you: Did you write down A, B, C on Page 6 of</p> <p>10 Exhibit Y?</p> <p>11 A. Exhibit Y. Is this Exhibit Y here?</p> <p>12 Q. Yeah.</p> <p>13 A. Okay. Oh, okay. I would -- I would have written</p> <p>14 down -- yes. It was --</p> <p>15 Q. So you marked two cans as Exhibit A on May 10th,</p> <p>16 2019, two separate cans.</p> <p>17 MR. JONES: Objection to form, foundation.</p> <p>18 THE WITNESS: This one here was the -- the</p> <p>19 first page here was done initially when I collected</p> <p>20 the samples.</p> <p>21 And the second page is the one -- what I sent</p> <p>22 to the lab. But that was done at a -- a later time</p> <p>23 in -- in the --</p> <p>24 MR. GARDNER: Oh, okay.</p> <p>25 THE WITNESS: -- the time frame.</p>
<p style="text-align: right;">Page 291</p> <p>1 THE WITNESS: Page 6?</p> <p>2 MR. GARDNER: I think it's Page 6. Yeah.</p> <p>3 MR. JONES: Okay. Got you. Thanks.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. So at the top -- yeah. So at the top it says,</p> <p>6 May 10th, 2019, right?</p> <p>7 A. Dated collected?</p> <p>8 Q. Yes, sir.</p> <p>9 MR. HEHNER: Oh, date collected, 5-10. Yeah.</p> <p>10 THE WITNESS: 5-10?</p> <p>11 MR. GARDNER: They're both May 10th, 2019.</p> <p>12 THE WITNESS: Right.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. The date you collected the samples.</p> <p>15 A. Yes.</p> <p>16 Q. The only date you went up there and collected any</p> <p>17 samples from the heaters.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And isn't it a fact that you labeled</p> <p>20 multiple cans as A, B, C on May 10th, 2019?</p> <p>21 MR. JONES: Objection to form.</p> <p>22 THE WITNESS: It appears to me that the lay --</p> <p>23 the A, B, C on Page 2 was marked out.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. And who did that?</p>	<p style="text-align: right;">Page 293</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. So you just used three -- you used one can A, one</p> <p>3 can B --</p> <p>4 A. Right. Yeah, right. There's no -- there's no</p> <p>5 other cans of -- of --</p> <p>6 Q. No -- no dupli --</p> <p>7 A. No -- no duplicates; put it that way.</p> <p>8 Q. 'Cause that would violate NFP standards in -- 921</p> <p>9 standards.</p> <p>10 A. Well, if it occurred --</p> <p>11 MR. JONES: Objection to form and foundation.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. Doesn't NFPA Sec -- 921 indicate that you should,</p> <p>14 as a fire investigator collecting evidence, should</p> <p>15 separately mark every piece of evidence differently</p> <p>16 with a different label --</p> <p>17 MR. JONES: Same objection.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. -- so as -- so as to avoid confusion later?</p> <p>20 A. That's just normal practice that we would normally</p> <p>21 do to -- to every -- every piece of evidence --</p> <p>22 Q. It's important, isn't it?</p> <p>23 A. -- unless it ties together into one unit where they</p> <p>24 put it all in a box and label it as --</p> <p>25 Q. Yes.</p>



<p style="text-align: right;">Page 294</p> <p>1 A. -- this is -- this is an -- an alternator, for  2 example.  3 Q. Okay.  4 A. But --  5 Q. So --  6 A. -- yes.  7 Q. -- Pages 5 and 6 of Exhibit Y are referring to the  8 same three cans.  9 A. Yes.  10 Q. Okay. So would you look at Page 5 of Exhibit Y?  11 A. Okay.  12 Q. All right. It's dated May 10th, 2019?  13 A. Yes.  14 Q. All right. You labeled Exhibit A. You put  15 quantity, one, right?  16 A. Yes.  17 Q. And didn't you write metal can of sample of  18 interior flue south?  19 A. Yes.  20 Q. Next line, Exhibit B-1, interior -- sorry -- metal  21 can with sample inside flue center?  22 A. Yes.  23 Q. I -- from my question is, what do you mean with  24 this little swiggle? You're using swiggles here.  25 Is that of or and --</p>	<p style="text-align: right;">Page 296</p> <p>1 on this page at all. Page 5, Exhibit Y. You don't  2 write the word gauze at all.  3 A. There's no -- there was no --  4 Q. No need for it?  5 MR. JONES: If you could let him finish his  6 answer.  7 THE WITNESS: First of all, is it -- at --  8 there's no -- no indication of how the samples were  9 collected on here.  10 QUESTIONS BY MR. GARDNER:  11 Q. Yes, there is. It says --  12 A. Scraping --  13 Q. -- scraping inside the pipe.  14 A. Well, using the -- the gauze pad --  15 Q. Okay.  16 A. -- scraping -- I did not --  17 Q. You think this was the gauze.  18 A. -- yes.  19 Q. Okay.  20 A. I did not use anything else to scrape --  21 Q. And you think --  22 A. -- inside --  23 Q. -- was sent --  24 A. -- this container.  25 Q. -- to Sharee Wells?</p>
<p style="text-align: right;">Page 295</p> <p>1 A. Of. Metal can of sample.  2 Q. Oh. Oh, sorry.  3 A. No, that's --  4 Q. That's the word "of."  5 A. Yes.  6 Q. Thank you. And then the third line where you  7 reference Exhibit C, you wrote, didn't you, Jim,  8 quantity, one, metal can of sample of interior flue  9 sou -- north.  10 A. Yes.  11 Q. All samples were collected from scraping inside the  12 pipe. Well, you can read the rest to me.  13 A. From -- let's see here. Heaters in the south  14 garage area of the painting room.  15 Q. What's the word between from and heaters?  16 A. Propane heaters.  17 Q. Okay. All right. So these are scrapings, these  18 are -- these aren't gauze samples.  19 A. It was everything from inside, yes. I -- I did --  20 whatever was inside of that container, I reached up  21 inside. It wasn't at the -- near the opening  22 necessarily. But the -- whatever I would see  23 inside of there, as I would get out with a -- the  24 gauze pad.  25 Q. You -- the word "gauze" isn't in this page -- isn't</p>	<p style="text-align: right;">Page 297</p> <p>1 A. Yes.  2 Q. And why isn't there a change of evidence custody --  3 custodian change after May 10th, 2019 at the  4 bottom?  5 MR. JONES: Objection to form, foundation.  6 THE WITNESS: The only thing that I can --  7 that I can recall is that this form was -- I -- the  8 only reason why this would've happened would be  9 that this form could not be located or found when I  10 sent the -- the year -- it was almost like a few  11 months later. I can't remember exact timeframe  12 when this was all sent in to the lab. And they  13 kept a copy of this form once it was located 'cause  14 I'd already read -- read in another form.  15 QUESTIONS BY MR. GARDNER:  16 Q. Let's go to the next page of Exhibit Y, Page 6.  17 A. Okay.  18 Q. Are you there, Jim?  19 A. Yes.  20 Q. That's another evidence custody form from Rimkus  21 dated the same date as Page 5, as May 10th, 2019?  22 A. Yes.  23 Q. And in your handwriting you wrote Exhibits A, B, C,  24 correct?  25 A. Yes.</p>

<p style="text-align: right;">Page 298</p> <p>1 Q. And each one you wrote quantity, one, right?</p> <p>2 A. Yes.</p> <p>3 Q. And in first line in Exhibit A, you wrote, One</p> <p>4 gallon metal can, slash, swabs up south end heater</p> <p>5 tube, right?</p> <p>6 A. Yes.</p> <p>7 Q. There's some more handwriting that says "and</p> <p>8 inside." Is that yours, the word "inside"? Is</p> <p>9 that your handwriting?</p> <p>10 A. That's not my handwriting.</p> <p>11 Q. Whose is it?</p> <p>12 A. I don't know.</p> <p>13 Q. And just like you don't know who crossed out your</p> <p>14 A, B, C and put in P, Q, R.</p> <p>15 A. I don't know who did that either.</p> <p>16 Q. And you don't know when it happened, do you?</p> <p>17 A. No.</p> <p>18 Q. All right. The next item on the list, Exhibit B,</p> <p>19 Page 6 of Y, you wrote, One gallon metal can,</p> <p>20 slash, swabs off tube heater, middle unit, correct?</p> <p>21 A. Of tube heater, middle unit, yes.</p> <p>22 Q. Thanks. And then thirdly, Exhibit C, one metal</p> <p>23 container can? What is that? What -- what did you</p> <p>24 write there? I can't read it.</p> <p>25 A. One metal gallon can, slash, swabs of tube heater</p>	<p style="text-align: right;">Page 300</p> <p>1 we're on that shows that.</p> <p>2 MR. GARDNER: Okay, sorry.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 MR. HEHNER: That's okay.</p> <p>5 MR. GARDNER: I'm missing a page.</p> <p>6 MR. HEHNER: Isn't it?</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. So you're convinced, Jim, that the -- the cans you</p> <p>9 sent to Sharee Wells, the gallon-size cans --</p> <p>10 A. Yes.</p> <p>11 Q. -- were the materials you collected, indicated on</p> <p>12 Page 6 of Exhibit Y and Page 5 of Exhibit Y.</p> <p>13 A. Yes.</p> <p>14 Q. It was all in the same can.</p> <p>15 A. Yes. It was the same can.</p> <p>16 Q. Page 7 of Exhibit Y. Can you go to that, Jim.</p> <p>17 Collected a different date, March 6th, 2020. Do</p> <p>18 you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Is that your handwriting?</p> <p>21 A. Yes.</p> <p>22 Q. And, again, you wrote Exhibit A in your</p> <p>23 handwriting, didn't you?</p> <p>24 A. Yes.</p> <p>25 Q. And somebody, who you don't know and you don't know</p>
<p style="text-align: right;">Page 299</p> <p>1 north end. And then somebody wrote "heater" on</p> <p>2 there. I didn't -- that's not my writing.</p> <p>3 Q. And then in paren you wrote, Hold for testing</p> <p>4 possibly or something?</p> <p>5 A. Yes.</p> <p>6 Q. March 6th, 2020, test for flammable -- what's the</p> <p>7 rest of it say?</p> <p>8 A. For flammable or liquid for -- or ignitable</p> <p>9 liquid --</p> <p>10 Q. Approve --</p> <p>11 A. -- abbreviation for --</p> <p>12 Q. Approval?</p> <p>13 A. -- ignitable. Approval.</p> <p>14 Q. All right. And you think that Exhibit --</p> <p>15 A. It's -- it's been approved; put it that way.</p> <p>16 That's where it was --</p> <p>17 Q. Right.</p> <p>18 A. -- approved.</p> <p>19 Q. And this Page 5 of Exhibit Y, has a chain -- chain</p> <p>20 of evidence, custody, showing that it was sent down</p> <p>21 to Miss Sharee Wells?</p> <p>22 A. Yes.</p> <p>23 Q. And then returned to Rimkus by Sharee?</p> <p>24 A. Yes.</p> <p>25 MR. HEHNER: It's actually 6 of Exhibit Y that</p>	<p style="text-align: right;">Page 301</p> <p>1 when, crossed it out and put an S --</p> <p>2 MR. JONES: Objection to form --</p> <p>3 MR. GARDNER: -- right?</p> <p>4 MR. JONES: -- foundation.</p> <p>5 THE WITNESS: I don't know who would have</p> <p>6 crossed it out.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. How often are your evidence custody forms norm --</p> <p>9 labeling changed --</p> <p>10 A. Well, I know --</p> <p>11 Q. -- in your career?</p> <p>12 MR. JONES: Objection to form.</p> <p>13 THE WITNESS: -- I -- I've not really had any</p> <p>14 changes that I know of 'pecifically. The only --</p> <p>15 without me knowing about it; put it that way. The</p> <p>16 second part of that would be that sometimes the --</p> <p>17 there is -- they did have a -- a person that was in</p> <p>18 charge of the evidence.</p> <p>19 QUESTIONS BY MR. GARDNER:</p> <p>20 Q. Like who?</p> <p>21 A. Maria, I think. Forget her last name now. But I</p> <p>22 think her initials was actually on this one.</p> <p>23 Stoner, Maria Stoner re -- received --</p> <p>24 Q. You -- you think she might be the one crossing out</p> <p>25 your A, B, Cs and putting in --</p>

<p style="text-align: right;">Page 302</p> <p>1 A. She is the --</p> <p>2 MR. JONES: Object -- objection to form.</p> <p>3 THE WITNESS: She is the person that's in</p> <p>4 charge of the evidence room.</p> <p>5 MR. GARDNER: Yeah.</p> <p>6 THE WITNESS: So there might have been</p> <p>7 something that -- in there -- in the aspect of that</p> <p>8 where she would have changed it.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. So you can see how this would create confusion for</p> <p>11 the lawyers and experts in this case when your</p> <p>12 references to Exhibits As and Bs and Cs are -- are</p> <p>13 ten -- are turned into different letters, can't</p> <p>14 you?</p> <p>15 A. And I have no --</p> <p>16 MR. JONES: Objection to form and foundation.</p> <p>17 THE WITNESS: Okay. I don't -- I don't know</p> <p>18 why they were changed. And this is the first time</p> <p>19 I've seen them in that -- where they've --</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. It isn't recommended pursuant to NFPA 921, is it?</p> <p>22 A. I would say --</p> <p>23 MR. JONES: Objection -- objection to</p> <p>24 foundation.</p> <p>25 THE WITNESS: Okay. I would say that it's not</p>	<p style="text-align: right;">Page 304</p> <p>1 Q. From the two pages we were looking at that you</p> <p>2 collected on May 10th, 2019?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Well, which pipe is this in Republic 603</p> <p>5 also marked Defendants' Exhibit Y, Page 9?</p> <p>6 MR. JONES: Objection to form.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. Center heater? middle heater? south heater?</p> <p>9 A. A is -- refers to the south heater.</p> <p>10 Q. Okay. What part of the south heater assembly?</p> <p>11 A. Yes. B would be referred to the middle heater.</p> <p>12 Q. No. My question is: What part of the heater</p> <p>13 assembly piping is Exhibit A?</p> <p>14 A. Where A -- where the A is -- actually sit on is</p> <p>15 part of the tube heater. This would be the, I</p> <p>16 believe, the third section, which would be the east</p> <p>17 side of that.</p> <p>18 Q. All right. You said it's not -- neither the in --</p> <p>19 no component of either the intake or the exhaust</p> <p>20 piping?</p> <p>21 A. No.</p> <p>22 MR. JONES: Objection to form and foundation.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. So did you collect all the evidence from one</p> <p>25 location that you marked as Exhibit A in your forms</p>
<p style="text-align: right;">Page 303</p> <p>1 recommended. But I would say, on -- on top of</p> <p>2 that, would it -- likely should have a -- if there</p> <p>3 is something that's changed or -- there should be</p> <p>4 a -- a reason as to why it was.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. Can you go to Page 9 of Exhibit Y. This was an</p> <p>7 exhibit produced some time ago, along with multiple</p> <p>8 other photographs, by the plaintiff, Republic,</p> <p>9 to -- to counsel in this record. It also has a</p> <p>10 Bates stamp, I'll just use -- say 603. Do you see</p> <p>11 that?</p> <p>12 A. Oh, okay. Yes, uh-huh.</p> <p>13 Q. Right. Do you see an empty can there?</p> <p>14 A. Yes, uh-huh.</p> <p>15 Q. You took this picture?</p> <p>16 A. Yes.</p> <p>17 Q. You -- you put that evidence Temp A on top -- top</p> <p>18 of this?</p> <p>19 A. On that pipe, yes.</p> <p>20 Q. What was the evidence you collected -- you're</p> <p>21 trying to document that you collected in this</p> <p>22 photograph?</p> <p>23 A. This is the A can where it's positioned at, and</p> <p>24 that's the area where the -- the sample was</p> <p>25 collected.</p>	<p style="text-align: right;">Page 305</p> <p>1 dated May 10th, 2019?</p> <p>2 A. Yes. There's multiple pictures other than just one</p> <p>3 picture related to these.</p> <p>4 Q. But it's all the same spot.</p> <p>5 A. Yes. A would be the same spot. B would be the</p> <p>6 same spot.</p> <p>7 Q. Okay. Can you flip to page -- the next page?</p> <p>8 A. Yes.</p> <p>9 Q. Twelve, Exhibit Y, Republic 632.</p> <p>10 A. Yes.</p> <p>11 Q. You're telling us that this photograph of this can</p> <p>12 that's open in Republic 632 is the same location as</p> <p>13 Republic 603?</p> <p>14 A. Well, I -- actually the area is the -- the same.</p> <p>15 It's just that the tube was -- it was a lower</p> <p>16 section of the -- of the same tube.</p> <p>17 Q. Yeah. You'll -- you'll concede that Republic 603</p> <p>18 with Exhibit 10-A shows no shield, does it?</p> <p>19 MR. JONES: Objection --</p> <p>20 MR. GARDNER: Deflector shield.</p> <p>21 MR. JONES: -- objection to form.</p> <p>22 THE WITNESS: There is a shield there. It's</p> <p>23 just underneath of it.</p> <p>24 QUESTIONS BY MR. GARDNER:</p> <p>25 Q. Oh, Okay. Do you see the blue paint on the ground</p>

<p style="text-align: right;">Page 306</p> <p>1 in Republic 60 -- 632?</p> <p>2 A. Yeah, I do see some blue paint there.</p> <p>3 Q. And was there -- do you know if there was blue</p> <p>4 paint underneath the tube heater assembly,</p> <p>5 particularly the top -- would be the top of the</p> <p>6 reflector, after it landed onto the floor into this</p> <p>7 area that has blue paint that's depicted by you in</p> <p>8 photograph 632?</p> <p>9 MR. JONES: Objection to form.</p> <p>10 THE WITNESS: This is -- obviously the blue</p> <p>11 paint there has not been a -- not been contaminated</p> <p>12 by fire and so forth. So I'm not sure there's a --</p> <p>13 I did not collect any -- that type of paint as for</p> <p>14 as what was on the floor.</p> <p>15 QUESTIONS BY MR. GARDNER:</p> <p>16 Q. Why not?</p> <p>17 A. I was collecting it off of the heaters that was</p> <p>18 there to see if that's hypothesis was credible.</p> <p>19 Q. But this tube heater assembly that's laying on the</p> <p>20 floor -- ground I mean -- in Republic 00632,</p> <p>21 Defendants' Exhibit Y-12 today, is laying on the</p> <p>22 ground on -- on top of blue paint, isn't it?</p> <p>23 A. But the -- the paint was collected from inside the</p> <p>24 tube, not from the reflector on the --</p> <p>25 Q. Okay. You didn't collect any paint from the</p>	<p style="text-align: right;">Page 308</p> <p>1 evidence is important. And I try to re -- maintain</p> <p>2 that throughout this whole category by not moving</p> <p>3 as -- as least as possible and by not uncovering</p> <p>4 everything as -- as least as possible --</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. Why didn't you take a picture of the swabs or the</p> <p>7 scrapings inside of cans A, B, or C in any -- any</p> <p>8 photo you ever took?</p> <p>9 A. I was just trying to dict -- predict, or not</p> <p>10 predict, indicate where those -- where those</p> <p>11 samples were taken from.</p> <p>12 Q. Right. And you'll --</p> <p>13 A. That's my only re --</p> <p>14 Q. Go ahead.</p> <p>15 A. -- only reason for marking them and letting them</p> <p>16 know where the -- the swab was taken from.</p> <p>17 At the time I -- due to the environmental</p> <p>18 conditions and so forth, I was -- I was not -- you</p> <p>19 know, it was extremely cold outside that day, for</p> <p>20 example. So I did not -- I just wanted to collect</p> <p>21 enough to where I could run a sample of the inside</p> <p>22 of the tubes just to confirm any hypothesis that</p> <p>23 was there. Because I didn't want to disturb any</p> <p>24 more evidence.</p> <p>25 And I was already there. 'Cause I was -- I</p>
<p style="text-align: right;">Page 307</p> <p>1 reflectors.</p> <p>2 A. No.</p> <p>3 Q. Ever.</p> <p>4 A. I -- I don't recall collecting anything from those,</p> <p>5 no.</p> <p>6 Q. Okay. Neither on the tops nor bottoms of them?</p> <p>7 A. No.</p> <p>8 Q. So in either Page 9 -- I apologize. I'm just gonna</p> <p>9 use Republic for reference. Neither photograph</p> <p>10 marked Republic 603 nor Republic 632 do you show</p> <p>11 any swabs before or after collection.</p> <p>12 A. I don't -- I don't know that I show in the swabs in</p> <p>13 my photos, no.</p> <p>14 Q. You'll concede that there's not a single photograph</p> <p>15 that you took or was taken by any employee of</p> <p>16 Republic of -- I'll rephrase the question.</p> <p>17 You were alone on May 10th, 2019 when you</p> <p>18 gathered these swabs and scrapings, weren't you?</p> <p>19 A. Yes, I was.</p> <p>20 Q. And you understand collection of evidence is</p> <p>21 critical in a case like this, that you were relying</p> <p>22 the results of these samplings and testings by</p> <p>23 Sharee Wells.</p> <p>24 MR. JONES: Objection to form.</p> <p>25 THE WITNESS: Yeah. Collection of any</p>	<p style="text-align: right;">Page 309</p> <p>1 was contacted by Republic to see if I could recover</p> <p>2 the heaters. That was the main reason why I was --</p> <p>3 Q. It was extremely cold on May 10th, 2019?</p> <p>4 A. Well, it was cold. It was -- I don't know that it</p> <p>5 was extremely cold. I don't know what you would</p> <p>6 refer --</p> <p>7 Q. Too cold for you --</p> <p>8 A. -- to as extremely cold.</p> <p>9 Q. -- to take photos of either the scrapings or the</p> <p>10 samp -- or the gauze pads.</p> <p>11 MR. JONES: Objection to form; misstates his</p> <p>12 testimony.</p> <p>13 THE WITNESS: I -- I did not take photographs</p> <p>14 of what I put in the can. Would it have been ideal</p> <p>15 situation? Yeah. But it -- it -- I don't know</p> <p>16 that that would have affect -- I'm not -- I just</p> <p>17 took -- took the samples out of those areas and</p> <p>18 samp -- and kept them for quite some time before</p> <p>19 they even agreed to go ahead and send them in to</p> <p>20 the lab.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. On Republic Bates stamp 00632, where precisely did</p> <p>23 you take your sample from, this part of the --</p> <p>24 A. I'm just mark -- on this particular thing, I was</p> <p>25 just marking the heater.</p>

<p style="text-align: right;">Page 310</p> <p>1 Q. I know that. I'm asking you where you took the 2 sample from. 3 A. I did not take any samples from that particular 4 area. It was all from inside the heater, as 5 indicated on my report. I'm just showing where the 6 heater -- the same heater as -- as it goes -- as it 7 goes down. 8 Q. All right. So the -- 9 A. 'Cause I identify the heater that I took the sample 10 from. 11 Q. Okay. So none of your sample came from anything 12 shown in 632, rather somewhere inside of some pipe? 13 A. Yes. 14 Q. And same answer for looking at Republic 603? You 15 didn't take the sample from the outside of that 16 tube, rather somewhere from the inside? 17 A. 602 you said? 18 Q. 603. 19 MR. HEHNER: 603. 20 THE WITNESS: All my samples were taken from 21 inside the heaters tube or tubes, one of the two. 22 Or heater tubes, sorry. 23 QUESTIONS BY MR. GARDNER: 24 Q. And you'll concede you -- you did not take a 25 photograph of any of the swabs in their clean state</p>	<p style="text-align: right;">Page 312</p> <p>1 the third page, you'll see it was digitally signed 2 by Lou Inendino -- 3 A. Uh-huh. 4 Q. -- right? 5 A. Yes. 6 Q. And did you -- have you ever seen this before 7 today? 8 A. I've seen this at the -- I think he had this 9 available at the -- 10 Q. Sinus -- 11 A. -- heater examination that we did. 12 Q. In the time that you collected them and took them 13 in Indy, right? 14 A. Yes. 15 Q. He has been identified by Plaintiffs as a 16 non-retained expert. Other than his methodology or 17 a recording of the manner in which the -- I'll say 18 the heater assembly units were tagged as evidence, 19 did you rely on any opinions of him in reaching 20 your opinions? 21 MR. JONES: Objection to foundation. 22 THE WITNESS: No. He is a mechanical engineer 23 that was sent with me to also -- to help. 'Cause 24 we -- I anticipated collecting a lot of evidence. 25 And we tried to utilize people in the office to</p>
<p style="text-align: right;">Page 311</p> <p>1 prior to swabbing. 2 MR. JONES: Objection to form. 3 THE WITNESS: I did not take a photograph of 4 the -- any of the swabs. They were in sterile 5 packaging so I did not. 6 QUESTIONS BY MR. GARDNER: 7 Q. And you didn't photograph any of the gauze swabs 8 inside of the cans with the lid open prior to you 9 sealing the cans, did you? 10 MR. JONES: Objection to form. 11 THE WITNESS: Not -- no, I did not. 12 QUESTIONS BY MR. GARDNER: 13 Q. And before putting them in the cans, you didn't 14 take any pictures of them on May 10th, 2019, or you 15 personally at any time, showing what you -- what 16 was on the swabs after you took your samples. 17 A. No, I did not. 18 Q. Can you go to Exhibit GG. It might be in a 19 different binder. 20 A. GG? 21 Q. Yeah. You might have it -- 22 MR. JONES: I'll trade you. 23 THE WITNESS: GG right here. 24 QUESTIONS BY MR. GARDNER: 25 Q. This is a three-page exhibit, Jim. If you skip to</p>	<p style="text-align: right;">Page 313</p> <p>1 help out doing that, if necessary. And he was one 2 of the persons that said that he would go help -- 3 QUESTIONS BY MR. GARDNER: 4 Q. I didn't ask you if Mr. Inendino went and helped 5 you. I asked you if you relied on any of his 6 opinions. 7 A. No, I did not. 8 Q. Would you agree, Jim, that Exhibit GG, Pages 1 9 through 3, is a recording by Mr. Inendino of the 10 labeling he utilized during the collection of the 11 various items gathered at Republic facility 12 during -- I can't find the date. During some -- 13 during the time you guys were there to collect the 14 evidence? 15 A. Yes. This would have been done on May -- collected 16 on May 11th. 17 Q. What year? 18 A. 2020. 19 Q. I see it. Thanks. You were there that day, right? 20 A. Yes. Everybody was there that day, I think. 21 Q. Did Mr. Inendino -- I apologize if I say his name 22 wrong -- give you any opinions that you did not 23 rely on in this case? 24 A. No. He was -- he did not give me any opinions. 25 Q. Okay. You said he was a mechanical engineer,</p>

<p style="text-align: right;">Page 314</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have an opinion as to whether my client --</p> <p>4 setting aside from this question whether the nature</p> <p>5 of the activities in the room was such that the</p> <p>6 heaters were appropriate or not in the room; I'm</p> <p>7 not asking you that. Setting that aside, do you</p> <p>8 have any evidence that would suggest the heaters,</p> <p>9 in and of themselves, were installed incorrectly?</p> <p>10 A. I have no evidence of that. I wasn't there --</p> <p>11 Q. Okay.</p> <p>12 A. -- when they were installed.</p> <p>13 Q. Have you read Space-Ray's expert report by</p> <p>14 Mr. Davis?</p> <p>15 MR. HEHNER: Jones.</p> <p>16 MR. GARDNER: Mr. Jones?</p> <p>17 MR. HEHNER: Jones.</p> <p>18 MR. GARDNER: David Jones?</p> <p>19 THE WITNESS: No, I have not.</p> <p>20 MR. JONES: Jones, Scott Jones.</p> <p>21 MR. GARDNER: Scott Jones. Thanks.</p> <p>22 THE WITNESS: No, I have not.</p> <p>23 MR. GARDNER: Okay.</p> <p>24 THE WITNESS: I do know Scott Jones, however.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>	<p style="text-align: right;">Page 316</p> <p>1 A. No, sir.</p> <p>2 Q. Wait a second. It says, Collected by Jim Foster.</p> <p>3 But whose handwriting is this?</p> <p>4 A. This is Lou.</p> <p>5 Q. Okay. Again, this looks to me like his attempt to</p> <p>6 record the exhibit labels to certain parts of the</p> <p>7 Space-Ray heaters that he collected -- you guys</p> <p>8 collected. Do you see Exhibit C-4, C-5, D-1, D-2,</p> <p>9 et cetera, down?</p> <p>10 A. Yes.</p> <p>11 Q. And then it says RL. And then there's different</p> <p>12 lettering down the left side. Who's RL?</p> <p>13 A. I don't know who that is.</p> <p>14 Q. Do you know why Page 6 of Defendants' Exhibit HH</p> <p>15 has two sets of labels as exhibit identifiers?</p> <p>16 A. No, I do not.</p> <p>17 Q. Does that fit with the guidelines of NFPA 921 --</p> <p>18 MR. JONES: Objection to form.</p> <p>19 MR. GARDNER: -- you have these exhibits</p> <p>20 different --</p> <p>21 THE WITNESS: It could be --</p> <p>22 MR. GARDNER: -- label --</p> <p>23 THE WITNESS: -- there could --</p> <p>24 MR. JONES: Objection to form, foundation.</p> <p>25 THE WITNESS: Okay.</p>
<p style="text-align: right;">Page 315</p> <p>1 Q. You've encountered him in other cases?</p> <p>2 A. Yes.</p> <p>3 Q. And the record will correct my if I'm wrong, but my</p> <p>4 memory of the summarization of his conclusion,</p> <p>5 Mr. Scott Jones, was that the Space-Ray heaters, in</p> <p>6 and of themselves, were installed correctly by my</p> <p>7 client. And I'm not talking about whether they</p> <p>8 should or should not have been in the room. Do you</p> <p>9 have any reason to doubt that?</p> <p>10 A. I have no reason to -- I have no evidence to prove</p> <p>11 they weren't installed correctly --</p> <p>12 Q. Okay.</p> <p>13 A. -- as for as the installation is concerned.</p> <p>14 Q. Did you only collect blue paint, Blue Sheboygan</p> <p>15 paint, from Republic's facility once or twice?</p> <p>16 A. Just once.</p> <p>17 Q. Okay. I think that was March -- March 4th, 2020 or</p> <p>18 March 3rd?</p> <p>19 A. I believe so. Whenever they requested it from the</p> <p>20 lab.</p> <p>21 Q. Can you go to Page 5 of -- of HH.</p> <p>22 A. HH?</p> <p>23 Q. Yes, sir.</p> <p>24 A. Page 5?</p> <p>25 Q. Yeah. That's not your handwriting, is it?</p>	<p style="text-align: right;">Page 317</p> <p>1 MR. JONES: You can answer.</p> <p>2 THE WITNESS: There could be reasons why</p> <p>3 it's -- why it's been changed to that. But I have</p> <p>4 no knowledge of why.</p> <p>5 MR. GARDNER: Okay.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Can you go to Exhibit KK.</p> <p>8 A. KK? Okay.</p> <p>9 Q. At defendants' request, recently some folks at --</p> <p>10 at Rimkus, I think it was Lou Inendino and</p> <p>11 Mr. Jacobs, opened up some of the evidence and took</p> <p>12 photographs for us in stages. Are you aware of</p> <p>13 that?</p> <p>14 A. Yes. Their new evidence collection -- a room,</p> <p>15 technician or whatever they call them, I think --</p> <p>16 Q. Yeah.</p> <p>17 A. -- is that person.</p> <p>18 Q. Right. All right. Are you aware that happened?</p> <p>19 A. Yes, I am.</p> <p>20 Q. Have you looked at the photos?</p> <p>21 A. I saw two or three photos --</p> <p>22 Q. We're gonna go --</p> <p>23 A. -- earlier today.</p> <p>24 Q. -- through them really fast so -- so, Jim, we're on</p> <p>25 Exhibit KK.</p>



<p style="text-align: right;">Page 318</p> <p>1 A. Okay.</p> <p>2 Q. Page 4 shows an object, it's like saran wrap or</p> <p>3 something.</p> <p>4 A. Is that it right here?</p> <p>5 Q. Yes, sir.</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what that is?</p> <p>8 A. It appears to be one of the tube heaters wrapped in</p> <p>9 plastic that we examined. I'm not sure.</p> <p>10 Q. Go to Page 6 of the same exhibit, and tell me if</p> <p>11 you still think that's a tube heater.</p> <p>12 A. Looks like some sort of a can.</p> <p>13 Q. Yeah. Go to the next Page 7. It's a rectangular</p> <p>14 can, isn't it?</p> <p>15 A. Yes, it is.</p> <p>16 Q. This one, Jim.</p> <p>17 A. J?</p> <p>18 Q. Yeah.</p> <p>19 A. Yes.</p> <p>20 Q. All right. And the next Page 8 of Exhibit KK.</p> <p>21 A. Uh-huh.</p> <p>22 Q. Is this not a picture of the can collected from</p> <p>23 inside that fire locker underneath the center tube</p> <p>24 heater?</p> <p>25 MR. JONES: Objection to foundation.</p>	<p style="text-align: right;">Page 320</p> <p>1 the rusted-out rectangular can on Page 8 of</p> <p>2 Exhibit KK?</p> <p>3 MR. JONES: Objection to foundation.</p> <p>4 THE WITNESS: I have no knowledge of what that</p> <p>5 product is.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Okay. Can you go to the next Page 9 of Exhibit KK.</p> <p>8 You see a hole in the can?</p> <p>9 A. Yes.</p> <p>10 Q. An opening in the can.</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what caused that?</p> <p>13 A. That's a rusted area.</p> <p>14 Q. Do you think that's just from rust?</p> <p>15 A. I'm sure it prob -- possibly was from rust.</p> <p>16 Q. So Page 12 of the same Exhibit KK. Tell me when</p> <p>17 you're there, Jim.</p> <p>18 A. KK?</p> <p>19 Q. Yes, sir.</p> <p>20 MR. JONES: You're there.</p> <p>21 THE WITNESS: Twelve? Yeah.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. You can see that's different angle, the same rusty</p> <p>24 rectangular-shaped can?</p> <p>25 A. Yeah, it's some type of product that's in the can</p>
<p style="text-align: right;">Page 319</p> <p>1 THE WITNESS: It -- it appears to be, yes.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. And can you look at the top of the photo? I mean,</p> <p>4 this looks like it's been subjected to rain and has</p> <p>5 rusted the can, right?</p> <p>6 A. Uh-huh.</p> <p>7 MR. JONES: Objection to foundation.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Trying to direct your attention to Page 8 of KK,</p> <p>10 Jim. Are you there?</p> <p>11 A. This one here?</p> <p>12 Q. Yes, sir. No, no. The prior --</p> <p>13 A. So the prior page?</p> <p>14 Q. Yeah.</p> <p>15 MR. JONES: The numbers are on --</p> <p>16 THE WITNESS: Oh, okay.</p> <p>17 MR. JONES: -- right here.</p> <p>18 MR. GARDNER: Look to the right-hand side</p> <p>19 where your right thumb is. You're holding your</p> <p>20 right thumb --</p> <p>21 THE WITNESS: I see --</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. You see that?</p> <p>24 A. Yeah, 116?</p> <p>25 Q. What is the darker gray material that's inside of</p>	<p style="text-align: right;">Page 321</p> <p>1 that would -- that has solidified, basically --</p> <p>2 Q. And you don't know what it is?</p> <p>3 A. -- become hard. No, I don't.</p> <p>4 Q. And the next page shows the opening. Page 13, KK.</p> <p>5 Does this look like this -- that can we looked at</p> <p>6 earlier from photos you took at the scene inside of</p> <p>7 the fire locker beneath the center tube heater?</p> <p>8 A. Yes, it appears to be.</p> <p>9 Q. Okay. You believe it was turpentine or paint</p> <p>10 thinner?</p> <p>11 A. I don't know what it was. I don't have any idea.</p> <p>12 Q. Have you ever seen a can that looks like this</p> <p>13 before though --</p> <p>14 A. Yes.</p> <p>15 Q. -- that had paint thinner in it?</p> <p>16 A. A lot of cans similar to that have this shape of a</p> <p>17 can.</p> <p>18 Q. That have paint thinner in them.</p> <p>19 A. Yes.</p> <p>20 Q. So moving forward, Exhibit LL, Jim.</p> <p>21 A. Okay.</p> <p>22 Q. Page 2 references an evidence custody form dated</p> <p>23 March 6th, 2020 about a metal can of -- quart metal</p> <p>24 can of paint, doesn't it?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 322</p> <p>1 Q. Then the next Page 3 shows the F.A.S.T. Lab red 2 sticker? 3 A. Yes. 4 Q. You expect Sharee Wells, or someone on her behalf, 5 put her label on this can prior to shipping it back 6 up to Rimkus, right? 7 MR. JONES: Objection to form. 8 THE WITNESS: I don't have any knowledge. But 9 that would be a possibility, yeah. That -- that's 10 where this would've came from, I would assume. 11 QUESTIONS BY MR. GARDNER: 12 Q. I didn't see any picture you ever took that had any 13 evidence sealing tape on the cans. Is that because 14 you didn't take the pictures or because you didn't 15 use the evidence sealing tape? 16 MR. JONES: Objection to form. 17 THE WITNESS: The day that I was there and I 18 decided to go ahead and collect -- they wanted the 19 heater collected. The day I was there, while I was 20 already there, so that the evidence would not be 21 destroyed in any additional environmental issues 22 and things like that, I decided to go ahead and 23 collect them. 24 I probably could have been more prudent about 25 what I've done. But I went ahead and collected the</p>	<p style="text-align: right;">Page 324</p> <p>1 QUESTIONS BY MR. GARDNER: 2 Q. Okay. Can you go to Page 9 of Exhibit KK? 3 A. Yeah. Page 7 does show the swab and how it was 4 packaged. 5 Q. Shows the package, doesn't it? We're going to 6 Page 9 to show all of it. 7 A. Okay. 8 Q. So what is this? What does Page 9 represent here, 9 Jim, on Exhibit -- 10 A. This is what was sent to the lab to have tested for 11 a controlled sample for the swab that was used. 12 Q. Okay. Thanks. 13 A. It was in a sterile package. 14 Q. Can you go to Exhibit MM? 15 A. Okay. 16 Q. Page 2 is an evidence custody form dated March 4th, 17 2020. 18 A. Uh-huh. 19 Q. Your handwriting? 20 A. Yes. 21 Q. One metal can containing paint sample collected at 22 joint examination, right? 23 A. I -- I can't read what it says but yes. 24 Q. I've read it so much -- I'm bad at reading your 25 writing as you are.</p>
<p style="text-align: right;">Page 323</p> <p>1 evidence. And, no, I did not use any evidence tape 2 to go across the thing similar to this. I put them 3 in the container, sealed the container. And I was 4 not involved with any contact with the container -- 5 QUESTIONS BY MR. GARDNER: 6 Q. Just so we're clear, you're talking about your 7 swabs and scrapings -- 8 A. Yes. 9 Q. -- on May 10, 2019. 10 A. Yes. 11 Q. All right. So if we continue with these recent 12 photos kindly taken by Rimkus at the co -- 13 codefendants' request. Go to Page 6 of KK. 14 There's a gauze pad in there, isn't there? 15 A. Yes. 16 Q. It's not paint, is it? 17 A. No. 18 Q. Can you explain why the evidence custody form talks 19 about paint but the evidence in the can is a swab? 20 MR. JONES: Objection to form. 21 THE WITNESS: They're referring to it as a -- 22 as a paint can, I believe. But I don't know that 23 for a fact. What -- what -- I didn't -- this is 24 not what I -- I didn't anything -- this is not my 25 photograph. So --</p>	<p style="text-align: right;">Page 325</p> <p>1 And if you go -- skip to Page 9 of Exhibit MM. 2 Tell me when you're there, Jim. 3 A. Okay. Page 9? Yes. 4 Q. What is that? 5 MR. JONES: Objection -- 6 THE WITNESS: That's -- 7 MR. JONES: -- foundation. 8 QUESTIONS BY MR. GARDNER: 9 Q. I'll ask it another way. Do you know what it is? 10 A. It appears to be the blue paint that was collected 11 to send in to the lab for testing at their request. 12 Q. At F.A.S.T. Lab? 13 A. Yes. 14 Q. Can you go to Exhibit NN, and skip all the way to 15 Page 94. 16 A. (Witness complies.) Right here? 17 Q. Looks like you're there. Again, this is a -- a 18 photograph recently provided through Plaintiffs' 19 counsel. And these were taken out at the Rimkus 20 lab. Do you see five gauze swabs in this photo? 21 A. Yeah. There's -- there's -- 22 Q. I'm sorry, seven. There's seven, isn't there? 23 A. One, two, three, four, five, six, seven. Yeah, 24 some -- or -- 25 Q. I'm just asking --</p>

<p style="text-align: right;">Page 326</p> <p>1 A. -- together --</p> <p>2 Q. -- there are seven --</p> <p>3 A. Yes.</p> <p>4 Q. -- right? And you took these samples?</p> <p>5 A. Yes.</p> <p>6 Q. From -- from where?</p> <p>7 A. These are the samples that are taken from the north</p> <p>8 heater.</p> <p>9 Q. And that's because -- you can tell that 'cause --</p> <p>10 A. Yeah. It's stamped that, yes.</p> <p>11 Q. What part of the north heater was the top right</p> <p>12 swab taken from?</p> <p>13 MR. JONES: Objection to foundation. There's</p> <p>14 no markings of what this gauze --</p> <p>15 THE WITNESS: Yeah. I -- the heat -- the</p> <p>16 heater was -- there was multiple --</p> <p>17 MR. GARDNER: Thomas --</p> <p>18 THE WITNESS: -- locations --</p> <p>19 MR. GARDNER: -- Thomas made -- hold on.</p> <p>20 Thomas made a good objection. Not that the others</p> <p>21 weren't good either.</p> <p>22 QUESTIONS BY MR. GARDNER:</p> <p>23 Q. So I was oriented to the photo different than you.</p> <p>24 So orienting the photo, Jim, such that the</p> <p>25 legal pad, it says Exhibit C, is at the bottom.</p>	<p style="text-align: right;">Page 328</p> <p>1 MR. GARDNER: Jim, we have to -- we have to go</p> <p>2 off the record for some technical issues.</p> <p>3 THE WITNESS: Okay.</p> <p>4 THE VIDEOGRAPHER: The time is 5:10. We are</p> <p>5 off the record.</p> <p>6 (A brief recess was taken.)</p> <p>7 THE VIDEOGRAPHER: This begins media five.</p> <p>8 The time is 5:14. We are on the record.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Jim, referring again to Page 94 of Exhibit MM, can</p> <p>11 you show us precisely where you obtained these</p> <p>12 seven swabs, other than where you've already showed</p> <p>13 us where those exhibit tabs were in the photos we</p> <p>14 looked at the other film.</p> <p>15 A. First of all, I want to clarify one thing, is that</p> <p>16 I -- this is not my photograph. I don't know where</p> <p>17 these swabs technically came from. I'm assuming</p> <p>18 that they came from the north can or basically from</p> <p>19 the C heater. But unless there's other diagrams</p> <p>20 somewhere else or whether somebody took these and</p> <p>21 put all the swabs together in the same picture, I</p> <p>22 can't attest to these pictures, only because of the</p> <p>23 fact I didn't take them. And I didn't --</p> <p>24 Q. Did you say I can't or I can?</p> <p>25 A. I can't.</p>
<p style="text-align: right;">Page 327</p> <p>1 Are you doing that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So the very top gauze pad, can you</p> <p>4 specifically tell us where that came from inside of</p> <p>5 the tube heater?</p> <p>6 MR. JONES: Same objections.</p> <p>7 THE WITNESS: The picture of where these areas</p> <p>8 were collected, there was just more than one swab</p> <p>9 used in -- in that particular area. I only</p> <p>10 collected from one area. I didn't collect from the</p> <p>11 whole tube itself in different areas. I just</p> <p>12 collected from the one area.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. That's shown in your picture?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And you took -- you took seven swabs?</p> <p>17 A. Took multi -- multiple swabs from --</p> <p>18 Q. More than seven?</p> <p>19 A. Yeah. From -- from inside the tube. I just</p> <p>20 reached as far as I could go to get multiple swabs</p> <p>21 out of it.</p> <p>22 Q. Well, where are the others in addition to -- other</p> <p>23 than these seven shown on Page 94?</p> <p>24 A. But I don't -- I don't know where the other --</p> <p>25 other --</p>	<p style="text-align: right;">Page 329</p> <p>1 Q. Okay.</p> <p>2 A. I -- I can't -- attest to the fact that I did use</p> <p>3 swabs to collect the samples. I just don't know</p> <p>4 where -- I don't know that I would have used seven</p> <p>5 swabs in one --</p> <p>6 Q. -- one-gallon can?</p> <p>7 A. In -- yeah, at -- at one time. But I don't know.</p> <p>8 Some case -- cases I would have. I didn't count</p> <p>9 the number of swabs. I just used the swabs as I</p> <p>10 was getting material out. I just went ahead and</p> <p>11 continued to use them. It could have been possible</p> <p>12 that I could have used seven.</p> <p>13 Q. Okay. Well --</p> <p>14 A. I don't know that. I don't know --</p> <p>15 Q. I think 93 will help you out. No, the other way.</p> <p>16 A. 93?</p> <p>17 Q. It's my understanding that a couple of employees,</p> <p>18 that I believe included Lou Inendino, took this</p> <p>19 photograph marked 99 of Exhibit NN of the swabs in</p> <p>20 the can prior to dumping them out and taking the</p> <p>21 next picture. Sound reasonable to you?</p> <p>22 A. I guess it sounds reasonable. I -- but I wasn't</p> <p>23 there, physically present to know.</p> <p>24 Q. We'd have to depose Mr. Inendino to figure that</p> <p>25 out.</p>

<p style="text-align: right;">Page 330</p> <p>1 A. I would assume so, yes.  2 Q. 'Cause you don't know.  3 A. 'Cause I don't know.  4 Q. All right.  5 A. I've not seen them in this --  6 Q. Last time you saw --  7 A. -- picture before.  8 Q. -- when you sealed the can --  9 A. Yes.  10 Q. -- and that was it, right?  11 A. Yes.  12 Q. Okay. So the next, Page 94 of Exhibit NN, can you  13 tell us where each of these seven swabs were taken  14 from inside of the north two heater?  15 MR. JONES: Objection to foundation; asked and  16 answered.  17 THE WITNESS: There is a picture of where the  18 C swabs were taken from.  19 QUESTIONS BY MR. GARDNER:  20 Q. The ten photos we already looked at?  21 A. Yes.  22 Q. Okay. Other than that --  23 A. In that area. That's -- that's the only area that  24 the swabs would have been coming from, for me,  25 where the -- where the tube was apart. And it came</p>	<p style="text-align: right;">Page 332</p> <p>1 flue. Page 97.  2 A. 97?  3 Q. That's --  4 A. Yes. North unit.  5 Q. -- it here. Page 97.  6 A. Oh, that's 96.  7 Q. They're red, Jim.  8 MR. JONES: On the bottom left from where  9 you're sitting. There you go.  10 THE WITNESS: 97.  11 QUESTIONS BY MR. GARDNER:  12 Q. Yeah, okay. So this is a different --  13 A. Yeah, in that --  14 Q. -- Exhibit C photograph. And then the next Page 98  15 of Exhibit NN --  16 A. Uh-huh.  17 Q. -- is a yellow label on the can?  18 A. Yes.  19 Q. Is that in your handwriting?  20 A. Yes.  21 Q. Okay. And the next Page 99 is the top of the can?  22 A. Yes. That is not my handwriting on the top of the  23 can. Oh, yes, it is. I'm sorry. That's the C I  24 put under there --  25 Q. Okay.</p>
<p style="text-align: right;">Page 331</p> <p>1 from both sides -- both sides of that tube, as for  2 as I could reach back into the tube with the swab.  3 Q. So you're referring to, for example, pictures we  4 already looked at, Exhibit Y, Page 16, where you  5 have this Exhibit C, tent, right?  6 A. Yes.  7 MR. JONES: Can you pull those up real quick.  8 Okay. Ben's got it up there, if you can see  9 it.  10 THE WITNESS: Yes.  11 QUESTIONS BY MR. GARDNER:  12 Q. So all the swabs that you put in the container next  13 to tent Exhibit marker C came from the pipe that's  14 shown on Page 16 of Exhibit Y.  15 A. Yes.  16 Q. That's -- that's about right there.  17 A. There and from the other end -- other end of the  18 pipe, both sections.  19 Q. Okay.  20 A. Where the pipe was split.  21 Q. Continuing in the same exhibit, Jim, MM. Going  22 past 94, it shows the seven swabs. You go  23 Page 97 --  24 A. Uh-huh.  25 Q. -- it still references Exhibit C, sample north</p>	<p style="text-align: right;">Page 333</p> <p>1 A. -- U 1, I couldn't -- I would've not put that. But  2 it's actually a C with a -- with a line under to  3 show how it coordinates with the --  4 Q. Go to Page 101 and tell me what that depicts, the  5 bottom of that can.  6 A. What -- the products that came out of the tube  7 itself.  8 MR. HEHNER: Oh, yeah. We're looking at the  9 same thing.  10 MR. GARDNER: NN, Page 101.  11 QUESTIONS BY MR. GARDNER:  12 Q. And that came from inside of the tube shown --  13 A. Yes.  14 Q. -- on Defendants' Exhibit Y, Page 16?  15 A. Yes.  16 Q. How do you know that the material you claim to have  17 collected from the inside of the pipe shown on  18 Page 16 of Exhibit Y isn't just debris from the  19 fire that got into the pipe after the pipes fell to  20 the ground into the debris that's shown on this  21 photograph Y-16?  22 MR. JONES: Objection to form.  23 THE WITNESS: I had no reason to believe that  24 this -- the products inside the tube were not  25 consistent with what was in the lining of the tube.</p>

<p style="text-align: right;">Page 334</p> <p>1 And when I did the swab, I reached in to do the</p> <p>2 swab, these came out. So I didn't -- I wasn't</p> <p>3 aware really what all was in that -- inside the</p> <p>4 heater. They were out -- actually covered over at</p> <p>5 the time with the metal.</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Sorry. For clarity, you mean the heater tube.</p> <p>8 A. The heater tube, yes.</p> <p>9 Q. You didn't collect anything to send to Sharee Wells</p> <p>10 from inside the heater -- heating assembly box, did</p> <p>11 you?</p> <p>12 A. No, I did not.</p> <p>13 Q. Okay.</p> <p>14 A. Other than I have the photographs of some of</p> <p>15 that --</p> <p>16 Q. So is it your understanding then that when Sharee</p> <p>17 Wells tested samples that you sent to her, it</p> <p>18 included the debris shown in the bottom of the can</p> <p>19 on Page 101 of Defendants' Exhibit NN?</p> <p>20 A. Yes. 'Cause the way they test this is they don't</p> <p>21 take anything out of the can necessarily --</p> <p>22 Q. So the swabs --</p> <p>23 A. -- test it.</p> <p>24 Q. -- were in the same cans --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 336</p> <p>1 the tube heaters and also swabs taken from inside.</p> <p>2 A. Yes. I know --</p> <p>3 Q. So each of the --</p> <p>4 A. -- I did.</p> <p>5 Q. -- three would have had swabs and debris.</p> <p>6 A. Yes.</p> <p>7 Q. You sure?</p> <p>8 A. I'm pretty sure about that, yes. I -- I don't have</p> <p>9 any reason not to know that that wasn't the case.</p> <p>10 Q. Can you explain then why in Exhibit NN the swabs</p> <p>11 were in the one gallon container alone and this</p> <p>12 debris's in a completely different gallon container</p> <p>13 alone?</p> <p>14 MR. JONES: Objection to form and foundation.</p> <p>15 He's already said he wasn't there when the photos</p> <p>16 were taken --</p> <p>17 MR. GARDNER: Well, he was there when the</p> <p>18 evidence --</p> <p>19 MR. JONES: You can answer.</p> <p>20 THE WITNESS: Well, the only thing I can -- it</p> <p>21 doesn't show the side of the can here on this,</p> <p>22 necessarily. Unless this is it right here that</p> <p>23 shows the Rimkus can.</p> <p>24 MR. HEHNER: When you say "this right here,"</p> <p>25 what -- look at the yellow -- I mean, the red</p>
<p style="text-align: right;">Page 335</p> <p>1 Q. -- as the -- the debris.</p> <p>2 A. Right.</p> <p>3 Q. You sure?</p> <p>4 A. Yes.</p> <p>5 Q. You remember seeing any reference to debris, other</p> <p>6 than swabs, in F.A.S.T. Lab's worksheet?</p> <p>7 A. I -- I swabbed -- used the swabs to --</p> <p>8 Q. I know you did. I'm asking: Did she reference any</p> <p>9 other material other than swabs in the F.A.S.T. Lab</p> <p>10 worksheet?</p> <p>11 A. I don't re --</p> <p>12 MR. JONES: Objection to form.</p> <p>13 THE WITNESS: -- I don't recall that offhand.</p> <p>14 I don't think so. But everything was in one can</p> <p>15 that I used the swab to get out. And everything</p> <p>16 was in -- brought down into that can.</p> <p>17 QUESTIONS BY MR. GARDNER:</p> <p>18 Q. From that one heater's part --</p> <p>19 A. From --</p> <p>20 Q. -- the north heater?</p> <p>21 A. Right. If it's -- if it's like the C heater, it</p> <p>22 would be the -- from that particular area.</p> <p>23 Q. So you believe you -- you shipped three gallon cans</p> <p>24 to Sharee Wells, labeled A, B, C, that included</p> <p>25 both debris scraped from inside these sections of</p>	<p style="text-align: right;">Page 337</p> <p>1 numbers. What page --</p> <p>2 MR. GARDNER: He's pointing to 100.</p> <p>3 THE WITNESS: Yeah, 100.</p> <p>4 MR. HEHNER: Okay. Thank you.</p> <p>5 THE WITNESS: North flue. Where is the --</p> <p>6 QUESTIONS BY MR. GARDNER:</p> <p>7 Q. Let me help you. Go to Page 88 and compare that to</p> <p>8 Page 100. And you tell me --</p> <p>9 A. 88?</p> <p>10 Q. -- do you still think the debris shown in the can</p> <p>11 in Page 101 was sent to Sharee Wells along with the</p> <p>12 swabs, the blue swabs that we were looking at</p> <p>13 earlier?</p> <p>14 A. 88, swabs, north heater.</p> <p>15 MR. JONES: Same objections to foundation and</p> <p>16 form.</p> <p>17 THE WITNESS: Swabs. C.</p> <p>18 MR. JONES: To clarify --</p> <p>19 THE WITNESS: I don't see the inside of this</p> <p>20 container so --</p> <p>21 MR. JONES: Which -- which page numbers are</p> <p>22 you asking him to compare? It is 88 --</p> <p>23 MR. GARDNER: 88.</p> <p>24 MR. JONES: -- and 100?</p> <p>25 MR. GARDNER: Yes.</p>

<p style="text-align: right;">Page 338</p> <p>1 MR. JONES: Okay.</p> <p>2 THE WITNESS: 88 and 100?</p> <p>3 MR. HEHNER: 88 for me is a label.</p> <p>4 MR. GARDNER: Page 88 says swab north.</p> <p>5 MR. HEHNER: Right.</p> <p>6 MR. GARDNER: Page 100 says sample flue north.</p> <p>7 So they're different.</p> <p>8 MR. JONES: Go to Page 88.</p> <p>9 THE WITNESS: 86.</p> <p>10 MR. JONES: These are the two.</p> <p>11 THE WITNESS: 88, basically it says custody</p> <p>12 form, swabs and north.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Right. And then they opened -- the folks,</p> <p>15 including Lou Inendino, and I think his last name</p> <p>16 was Jacobs, opened these cans sequentially for</p> <p>17 us -- at about 2,000-dollar charge -- to show us</p> <p>18 what's inside these cans. And one can had, as I'm</p> <p>19 interpreting these, only swabs. And another can</p> <p>20 had only debris. But you think you shipped --</p> <p>21 shipped them to Sharee Wells together?</p> <p>22 MR. JONES: Objection to form, foundation.</p> <p>23 THE WITNESS: I know the -- the three I sent</p> <p>24 from the day I collected it was all -- only from</p> <p>25 one can A, B, and C.</p>	<p style="text-align: right;">Page 340</p> <p>1 THE WITNESS: I don't know anything about</p> <p>2 that. But I know I was not there when the cans</p> <p>3 came back, so I couldn't attest to that.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. When did the cans come back?</p> <p>6 A. I don't know.</p> <p>7 MR. JONES: Objection to foundation.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Didn't they come back right after they were sent?</p> <p>10 Sorry. Soon after they were sent?</p> <p>11 A. We have to request them -- okay.</p> <p>12 MR. JONES: Objection to form. You can</p> <p>13 answer.</p> <p>14 THE WITNESS: We have -- if -- once they're --</p> <p>15 the lab's been tested, then they have to be --</p> <p>16 they -- we have to request them back. She asked</p> <p>17 for more information and more -- more testing to be</p> <p>18 done. So that put the timeframe well past the time</p> <p>19 that I was there to -- to have -- to request them</p> <p>20 back or whatever.</p> <p>21 Like, we don't typically request them back</p> <p>22 right away. They do send them back, but they</p> <p>23 don't -- sometimes that takes a while for that to</p> <p>24 come back.</p> <p>25 QUESTIONS BY MR. GARDNER:</p>
<p style="text-align: right;">Page 339</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. And it contain -- you think you sent her -- can A</p> <p>3 had swabs and debris; can B had swabs and debris;</p> <p>4 can C had --</p> <p>5 A. Right.</p> <p>6 Q. -- swabs and debris.</p> <p>7 A. That was correct.</p> <p>8 Q. And she converted --</p> <p>9 A. From what I collected.</p> <p>10 Q. And she converted those to items one, two, three.</p> <p>11 MR. JONES: Objection to foundation.</p> <p>12 THE WITNESS: I don't know how she converted</p> <p>13 them. But I'm assuming that's how it was on the --</p> <p>14 she listed --</p> <p>15 MR. GARDNER: That's the point.</p> <p>16 THE WITNESS: -- she listed them on her file</p> <p>17 of what -- on her lab report of what she received.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. You have some idea that Sharee Wells separated the</p> <p>20 debris from the swabs when she returned them to</p> <p>21 Rimkus, so she shipped back six cans instead of</p> <p>22 three gallon cans?</p> <p>23 A. I -- I don't --</p> <p>24 MR. JONES: Objection to foundation; calls for</p> <p>25 speculation.</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. So your belief is that when Sharee Wells shipped</p> <p>2 the three gallon cans that had you shipped to her</p> <p>3 labeled A, B, C, you were no longer employed with</p> <p>4 Rimkus.</p> <p>5 A. I don't know when these came back; I could not tell</p> <p>6 you.</p> <p>7 Q. You haven't looked at the evidence custody forms to</p> <p>8 see the answer to that.</p> <p>9 MR. JONES: Objection to form.</p> <p>10 THE WITNESS: No. I don't have the evidence</p> <p>11 custody sheets.</p> <p>12 QUESTIONS BY MR. GARDNER:</p> <p>13 Q. So you've prepared your two -- your second report</p> <p>14 in 2022 without knowing whether Sharee Wells</p> <p>15 shipped back to Rimkus after her -- she was</p> <p>16 finished with the samples, six gallon cans or three</p> <p>17 gallon cans?</p> <p>18 MR. JONES: Objection to form.</p> <p>19 THE WITNESS: I don't know that. Only thing</p> <p>20 I'm going by is a report that I received from the</p> <p>21 lab regarding the samples that were sent. That's</p> <p>22 only -- that's information I have to rely on.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. Jim, can you -- same exhibit -- sorry. New</p> <p>25 Exhibit PP, Page 112.</p>



<p style="text-align: right;">Page 342</p> <p>1 A. 112?</p> <p>2 Q. Yes, sir.</p> <p>3 A. Exhibit A, swabs from --</p> <p>4 Q. South number 16.</p> <p>5 A. South, yes.</p> <p>6 Q. Okay. Exhibit A crossed out letter P, right?</p> <p>7 A. Yes.</p> <p>8 Q. And you don't know who did that?</p> <p>9 A. No, I do not.</p> <p>10 Q. Page 114, the same exhibit. Is that your</p> <p>11 handwriting?</p> <p>12 A. Yes.</p> <p>13 Q. And you put this yellow label on before shipping</p> <p>14 this can to Sharee Wells?</p> <p>15 A. No. This -- the label is on there. The -- the red</p> <p>16 label wasn't on there.</p> <p>17 MR. JONES: We're on the next page --</p> <p>18 THE WITNESS: Oh.</p> <p>19 MR. JONES: -- 114.</p> <p>20 THE WITNESS: This one, yes.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. Was that yellow label on that can when you shipped</p> <p>23 it to Sharee Wells?</p> <p>24 A. Yes.</p> <p>25 Q. Can you go to Page 115? Is that your handwriting</p>	<p style="text-align: right;">Page 344</p> <p>1 NFPA 921, isn't it?</p> <p>2 MR. JONES: Objection to form and foundation.</p> <p>3 THE WITNESS: I don't think there's anything</p> <p>4 that in -- in their NFP 921 that mentions the fact</p> <p>5 that we have to have -- use red tape. It has to be</p> <p>6 secured.</p> <p>7 MR. GARDNER: I didn't say anything about red</p> <p>8 tape. I meant to say just taped to prevent</p> <p>9 tampering.</p> <p>10 MR. JONES: Same objections.</p> <p>11 THE WITNESS: NFP guidelines, yes, that would</p> <p>12 be the -- the best way to do it.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. Best practice then?</p> <p>15 A. If you -- particularly in a criminal case</p> <p>16 necessarily. But in this particular situation, I</p> <p>17 did not have the tape available at the time I was</p> <p>18 at the site. And so I went ahead and secured</p> <p>19 the -- the evidence and took it to Rimkus to have</p> <p>20 it secured in our evidence locker.</p> <p>21 Q. Did you have the time between returning to Rimkus</p> <p>22 with the gallon cans that you marked Exhibits A, B,</p> <p>23 C, to put any tape on them before you shipped them</p> <p>24 to Sharee Wells?</p> <p>25 A. I could have, yes.</p>
<p style="text-align: right;">Page 343</p> <p>1 on top of that can?</p> <p>2 A. Yes.</p> <p>3 Q. And at this point the can has a F.A.S.T. Lab --</p> <p>4 A. Yes.</p> <p>5 Q. -- sticker on it, right?</p> <p>6 A. Yes.</p> <p>7 Q. What's the purpose of that?</p> <p>8 MR. JONES: Objection to foundation.</p> <p>9 THE WITNESS: What they do is -- it's</p> <p>10 basically an evidence tape that's put on to assure</p> <p>11 that the -- that no one has tampered with it, I</p> <p>12 guess. Anti-tamper tape, I guess you could say.</p> <p>13 MR. GARDNER: Right.</p> <p>14 THE WITNESS: So this tape is real, real</p> <p>15 thin --</p> <p>16 MR. GARDNER: Yeah.</p> <p>17 THE WITNESS: -- and the -- if someone would</p> <p>18 open the can, they would obviously rupture the</p> <p>19 tape.</p> <p>20 QUESTIONS BY MR. GARDNER:</p> <p>21 Q. But you didn't put any such tape like that on these</p> <p>22 three -- three gallon cans before you shipped them</p> <p>23 to Sharee Wells, did you?</p> <p>24 A. No, I did not.</p> <p>25 Q. And it's recommended that you do such according to</p>	<p style="text-align: right;">Page 345</p> <p>1 Q. But you didn't.</p> <p>2 A. I did not do that.</p> <p>3 Q. Okay. Could you go to Page 117, Exhibit PP?</p> <p>4 A. Yes.</p> <p>5 Q. Looks like about eight swabs in this photograph?</p> <p>6 A. Yes.</p> <p>7 Q. And if you skip back one page to 116, it's a</p> <p>8 picture taken by an employee of Rimkus -- Rimkus</p> <p>9 showing the swabs before they took -- took them out</p> <p>10 of the can, right?</p> <p>11 A. Uh-huh.</p> <p>12 MR. JONES: Objection to foundation.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. And where did you take these swabs shown in -- hold</p> <p>15 on, Jim -- shown on Page 117 of Exhibit PP? Where</p> <p>16 did you take them from?</p> <p>17 A. According to this they came from the south heater.</p> <p>18 Q. Where on the south heater?</p> <p>19 A. There's a photograph, again, that shows where</p> <p>20 that -- those were taken from in the photographs.</p> <p>21 Q. We already looked at those, didn't we?</p> <p>22 A. Yes.</p> <p>23 Q. So that would include Defendants' Exhibit Y, Bates</p> <p>24 stamped Republic 603? Right?</p> <p>25 A. Yes. That would be it.</p>

<p style="text-align: right;">Page 346</p> <p>1 Q. And the Defendants' Exhibit Y, Page 12, Bates 2 stamped Republic 632? 3 A. That shows the -- the pipe that I took that sample 4 from. 5 Q. The swab shown on Page 117 of Exhibit PP. 6 MR. JONES: Objection -- 7 THE WITNESS: That's -- 8 MR. JONES: -- foundation. 9 THE WITNESS: The swabs that are shown here is 10 from the south heater. And they're -- they were 11 used to swab the inside of the pipe -- the -- that 12 pipe -- 13 MR. GARDNER: I'm talking about where you got 14 them from. I know what they are. 15 THE WITNESS: From the first picture you had, 16 where it shows the pipe separation. Right there. 17 QUESTIONS BY MR. GARDNER: 18 Q. Talking about Republic 603? 19 A. Yes. 20 Q. And also part of this pipe that you put a -- 21 A. I did not take any swabs from there. 22 Q. You took no -- 23 A. I -- 24 Q. Hold on, Jim. It's going to be too confusing. 25 You took no swabs from the area located in the</p>	<p style="text-align: right;">Page 348</p> <p>1 again. 2 MR. ZOCCOLA: What exhibit? 3 MR. GARDNER: PP. 4 MR. HEHNER: PP. 5 MR. JONES: Which page number did you say? 6 MR. GARDNER: 124. 7 THE WITNESS: Okay. 8 QUESTIONS BY MR. GARDNER: 9 Q. For fear of cutting off Space-Ray from a question, 10 I'm going to ask you a couple questions off the 11 topic we're on now. 12 A. Okay. 13 Q. Do you hold any opinion as to whether the Space-Ray 14 heaters were defective in any way in relation to 15 design or manufacture? 16 A. I don't have anything to -- evidence to show that 17 they were not working properly or installed 18 properly at the time as for as the installation of 19 the heaters. 20 Q. I understand. I think we were miscommunicating. 21 So Space-Ray -- I mean, Gas-Fired Products 22 d/b/a Space-Ray is sued in this case under products 23 liability theory, under Indiana's products 24 liability statute. Are you an expert in products 25 liability cases?</p>
<p style="text-align: right;">Page 347</p> <p>1 part of the Space-Ray heater on the ground located 2 in Republic 632? 3 MR. JONES: Let me get that photo in front of 4 him before he answers. 5 THE WITNESS: No. And I've -- I've mentioned 6 this earlier that this is only to label the pipe, 7 showing the pipe. And I wanted to take a picture 8 of some of the -- the paint that was in that area. 9 MR. GARDNER: On the ground, Jim. 10 THE WITNESS: Trying -- no. Well, on the 11 ground as well as relationship to where the pipe 12 was in the -- I took the reflectors, any reflector 13 that was available. Because the reflectors would 14 show -- and -- and also show the tape. And also 15 this is a piping where A was collected from. 16 Not -- I did not collect anything from outside of 17 the pipe. 18 QUESTIONS BY MR. GARDNER: 19 Q. But inside the pipe with evidence tent label A, 20 Republic 632 is where you took some of those swabs. 21 A. Yes. 22 MR. JONES: Asked and answered. 23 QUESTIONS BY MR. GARDNER: 24 Q. Can you go to Page 124, Exhibit PP. 25 MR. JONES: Let's switch these binders out</p>	<p style="text-align: right;">Page 349</p> <p>1 MR. JONES: Objection to form. 2 MR. GARDNER: Outside of the realm of fire 3 investigation. 4 MR. JONES: Objection to form. 5 THE WITNESS: No. And I -- the -- and my -- 6 well, no. I don't -- I don't have anything to 7 dispute that their -- that they were -- they were 8 installed properly or they weren't functioning 9 properly. 10 MR. GARDNER: I understand. 11 QUESTIONS BY MR. GARDNER: 12 Q. Do you or any other expert that you've consulted 13 with or that's been used in this case on behalf of 14 the plaintiff have any opinion as to whether or not 15 these Space-Ray heaters in question were defective 16 in their manufacture? 17 A. I don't -- I do not have anything to support that 18 opinion. 19 Q. Okay. And do either you or any other experts you 20 consulted with or that have been retained by 21 Republic hold the opinion that there was anything 22 wrong with the design of the Space-Ray heaters? 23 MR. JONES: Objection to foundation. 24 THE WITNESS: I don't have any information 25 from anyone that would say that they were not</p>

<p style="text-align: right;">Page 350</p> <p>1 designed properly or weren't installed properly or</p> <p>2 used properly as for as they worked op -- they</p> <p>3 worked.</p> <p>4 MR. GARDNER: Yeah, okay.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. And, lastly, you have consulted the installation</p> <p>7 manual for the Space-Ray heaters, haven't you?</p> <p>8 A. Yes.</p> <p>9 Q. And there's reference in your report to some</p> <p>10 language on Page 3 from that binder, I'm sorry,</p> <p>11 that manual?</p> <p>12 A. Yes. I'm assuming it's from Page 3.</p> <p>13 Q. Other than that language, are -- is there any other</p> <p>14 parts of that manual that you relied on to form</p> <p>15 your opinions of cause and origin in this case?</p> <p>16 A. No. I did not rely on anything as for as -- other</p> <p>17 than the -- I did look at the manual. And the</p> <p>18 manual stated that it should not be installed in --</p> <p>19 that's what prompted me to go ahead and do a sample</p> <p>20 testing, and things of that nature, to see if there</p> <p>21 was any product on this that would potentially</p> <p>22 cause a fire.</p> <p>23 MR. JONES: And, Marty, I know this is a late</p> <p>24 objection. But I'm not sure that we're all on the</p> <p>25 same page of what page from the manual you're</p>	<p style="text-align: right;">Page 352</p> <p>1 letter to Sharee Wells about what --</p> <p>2 A. Right.</p> <p>3 Q. -- how this paint can change through some -- you</p> <p>4 said the drying process, but you meant the boiling</p> <p>5 process.</p> <p>6 A. Well, I meant the boiling off.</p> <p>7 MR. JONES: Objection to form.</p> <p>8 MR. GARDNER: Jim, referring back to</p> <p>9 Exhibit PP, Page 124. Let me know when you're</p> <p>10 there.</p> <p>11 MR. ZOCCOLA: What exhibit?</p> <p>12 MR. GARDNER: PP --</p> <p>13 MR. ZOCCOLA: PP.</p> <p>14 MR. GARDNER: -- Page 124.</p> <p>15 THE WITNESS: Okay.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. That's a legal pad that says, Exhibit A, number 13,</p> <p>18 sample flue south, right?</p> <p>19 A. Yes.</p> <p>20 Q. The next Page 125 shows the can with your permanent</p> <p>21 black marker A with a line under it, correct?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And your handwriting --</p> <p>24 A. Yes.</p> <p>25 Q. -- on the yellow label? And so then one</p>
<p style="text-align: right;">Page 351</p> <p>1 talking about. So I'm just preserving that</p> <p>2 objection.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. You've referred -- I'm skipping. I'll come back to</p> <p>5 where we were in a minute.</p> <p>6 You've recurred [sic] repeatedly during this</p> <p>7 deposition to some language that comes from the</p> <p>8 product specifications we've marked as Exhibit P</p> <p>9 today regarding the Blue Sheboygan paint in</p> <p>10 terms -- in terms of it boiling, right?</p> <p>11 A. Yes.</p> <p>12 Q. But when you wrote your letter to Sharee Wells</p> <p>13 asking her what to do, you didn't use the word</p> <p>14 "boiling," did you --</p> <p>15 MR. JONES: Objection to form.</p> <p>16 QUESTIONS BY MR. GARDNER:</p> <p>17 Q. -- or "boiled off," did you? You said "dry," when</p> <p>18 the paint dries.</p> <p>19 A. I might have said -- I might have used the word</p> <p>20 "dry." Essentially the -- what I was --</p> <p>21 Q. I'm just asking --</p> <p>22 A. Yes, okay.</p> <p>23 Q. Yes.</p> <p>24 A. I might have used that -- that terminology, yes.</p> <p>25 Q. You didn't say "boiled off," you said "dry" in your</p>	<p style="text-align: right;">Page 353</p> <p>1 Page 26 [sic], that's your handwriting on this</p> <p>2 yellow label?</p> <p>3 A. Yes.</p> <p>4 Q. Sample taken from flue pipe propane tube heater</p> <p>5 south end, right?</p> <p>6 A. Yes.</p> <p>7 Q. Inside two Peter flue pipe, right?</p> <p>8 A. Yes.</p> <p>9 Q. May 10th, 2019?</p> <p>10 A. Yes.</p> <p>11 Q. If you go to the -- the next Page 127 of</p> <p>12 Exhibit PP.</p> <p>13 A. Yes.</p> <p>14 Q. There aren't any blue swabs in there, are there?</p> <p>15 A. Not in this photograph there's not.</p> <p>16 Q. And the next page shows the debris spilled out on</p> <p>17 the top of a table with a measuring device?</p> <p>18 Page 128?</p> <p>19 A. Yes, yeah.</p> <p>20 MR. JONES: Objection to foundation.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. No blue swabs in this photo either, right?</p> <p>23 A. Not in this photo.</p> <p>24 Q. So isn't it the case that this can that you labeled</p> <p>25 on May 10th, 2019 had no blue swabs in it but only</p>

<p style="text-align: right;">Page 354</p> <p>1 some -- some kind of debris?</p> <p>2 MR. JONES: Objection to foundation.</p> <p>3 THE WITNESS: I don't -- I can't attest to the</p> <p>4 fact of where the swabs are. Everything I did was</p> <p>5 by swabs and sweeping them out. So I don't know</p> <p>6 anything about these photos or about where the</p> <p>7 swabs might be. Obviously there were swabs in all</p> <p>8 the other exhibits that they had here. And I don't</p> <p>9 know what -- what would have happened to those or</p> <p>10 where they would have been.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. But you're -- you're gonna stick with the three --</p> <p>13 you only mailed -- sorry. You only shipped three</p> <p>14 one-gallon cans, plus two quart cans, to Sharee</p> <p>15 Wells for testing at F.A.S.T. Lab. And each of the</p> <p>16 cans contained both fire debris that you claim you</p> <p>17 got out of these two heaters and swabs, right?</p> <p>18 A. Yes. I -- I only sent three containers to them</p> <p>19 myself. I don't know anything about any other --</p> <p>20 Q. You're confusing the question --</p> <p>21 A. -- containers.</p> <p>22 Q. -- with the way you're answering it. Am I right?</p> <p>23 The three cans you --</p> <p>24 A. Yes.</p> <p>25 Q. -- the only cans you sent had -- each one had</p>	<p style="text-align: right;">Page 356</p> <p>1 THE WITNESS: Okay.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Near the top there's a quote where it says, This</p> <p>4 heater is not an explosion-proof heater.</p> <p>5 A. Which one are you talking about?</p> <p>6 Q. Page 4.</p> <p>7 A. Page 4? Okay.</p> <p>8 Q. Do you see it?</p> <p>9 A. Yes.</p> <p>10 Q. You typed this report up, didn't you?</p> <p>11 A. Yes.</p> <p>12 Q. And you -- this language that you have quoted, it's</p> <p>13 more bold, it's centered, starts off with, This</p> <p>14 heater. That came from the installation manual for</p> <p>15 the Space-Ray heaters, didn't it?</p> <p>16 A. Yes.</p> <p>17 Q. But you don't remember what page.</p> <p>18 A. I don't -- at this -- at this point I don't. I --</p> <p>19 I --</p> <p>20 Q. That's all right.</p> <p>21 A. -- came -- would have come from the manual.</p> <p>22 Q. Okay. And you typed this up verbatim, didn't you,</p> <p>23 from the manual?</p> <p>24 A. Yes, I believe so.</p> <p>25 Q. And the first two words is "this heater." And the</p>
<p style="text-align: right;">Page 355</p> <p>1 swabs, samples, and scrapings, and debris --</p> <p>2 A. Yes.</p> <p>3 Q. -- correct?</p> <p>4 A. Yes.</p> <p>5 MR. JONES: Objection, asked and answered.</p> <p>6 MR. GARDNER: Correct?</p> <p>7 THE WITNESS: Okay. Yes.</p> <p>8 MR. HEHNER: I am confused. Because there was</p> <p>9 another can that had paint in it, right?</p> <p>10 MR. GARDNER: That's a quart can.</p> <p>11 MR. HEHNER: Okay. So -- okay.</p> <p>12 MR. GARDNER: He mentioned those --</p> <p>13 MR. HEHNER: Yeah.</p> <p>14 MR. GARDNER: -- before that. So --</p> <p>15 MR. HEHNER: Thank you. I'm just not the</p> <p>16 brightest.</p> <p>17 THE WITNESS: I wouldn't say that.</p> <p>18 QUESTIONS BY MR. GARDNER:</p> <p>19 Q. So could you go to your expert report, Exhibit G.</p> <p>20 It's your second one. It's dated November 18th,</p> <p>21 2022, Page 4.</p> <p>22 A. Wrong way here. P is upside-down.</p> <p>23 (Mr. Zoccola left the conference room.)</p> <p>24 THE WITNESS: G?</p> <p>25 MR. GARDNER: Yes, sir.</p>	<p style="text-align: right;">Page 357</p> <p>1 last two words is "insurance company"?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Would you read the first sentence out loud</p> <p>4 to the first period.</p> <p>5 A. This heater is not an explosion-proof heater.</p> <p>6 Q. And read the rest of this quote here to yourself.</p> <p>7 Let me know when you're done.</p> <p>8 A. Okay.</p> <p>9 Q. Do you see the word "fire" anywhere in this</p> <p>10 particular language that you quoted on Page 4 out</p> <p>11 of the Space-Ray installation and product manual?</p> <p>12 MR. JONES: Objection. Document speaks for</p> <p>13 itself.</p> <p>14 MR. GARDNER: There's no such objection as the</p> <p>15 document speaks --</p> <p>16 MR. JONES: Okay. Doc -- objection, form.</p> <p>17 THE WITNESS: There is reference to potential</p> <p>18 fire by definition of low flash point. Flash point</p> <p>19 would be --</p> <p>20 MR. GARDNER: That's not what I asked you.</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. I said: Do you see the word "fire" in this --</p> <p>23 A. I don't see the word "fire," no.</p> <p>24 Q. Okay. Do you see the word "flammable"?</p> <p>25 MR. JONES: Same objections.</p>

<p style="text-align: right;">Page 358</p> <p>1 THE WITNESS: No.</p> <p>2 QUESTIONS BY MR. GARDNER:</p> <p>3 Q. Do you see the word "combust"?</p> <p>4 A. No.</p> <p>5 Q. Do you think this language is referencing fires and</p> <p>6 explosions?</p> <p>7 A. Potentially both. The language says --</p> <p>8 Q. But the only word it uses is "explosion," isn't it?</p> <p>9 A. The data says it's not explosion proof, which means</p> <p>10 there's openings that vapors and things like that</p> <p>11 can get into the system. It's not a sealed up</p> <p>12 container or a sealed unit. That's what basically</p> <p>13 explosion proof would be. It would have to be</p> <p>14 totally sealed with no availability of any vapor or</p> <p>15 anything to be entered in the computer -- or into</p> <p>16 the heater.</p> <p>17 Q. Other than your reference to the word "heater,"</p> <p>18 which you took out of Page 3 of the Space-Ray</p> <p>19 manual, the word "explosion" doesn't exist in</p> <p>20 either of your reports, does it?</p> <p>21 MR. JONES: Objection to foundation.</p> <p>22 THE WITNESS: No. I don't -- I don't have any</p> <p>23 reason to suspect that an explosion necessarily</p> <p>24 occurred.</p> <p>25 MR. GARDNER: Right.</p>	<p style="text-align: right;">Page 360</p> <p>1 QUESTIONS BY MR. GARDNER:</p> <p>2 Q. Isn't it your opinion that there was no explosion</p> <p>3 of these -- any part of these three Space-Ray</p> <p>4 heaters that my client installed during this fire?</p> <p>5 A. That there was no explosion, you said?</p> <p>6 Q. Yeah.</p> <p>7 A. I -- I don't have any reason or evidence to support</p> <p>8 an explosion occurred, no.</p> <p>9 Q. Okay. In fact, you concluded that there was no</p> <p>10 explosion as to any component of the three</p> <p>11 Space-Ray heaters that my client installed,</p> <p>12 correct?</p> <p>13 A. There did not appear to be any explosion.</p> <p>14 Q. Okay. Have you ever consulted with a fire marshal</p> <p>15 about this case?</p> <p>16 A. No, I have not.</p> <p>17 Q. Have you spoken with or communicated in any way</p> <p>18 with any fire marshal about this case prior to</p> <p>19 issuing either of your two reports?</p> <p>20 A. No.</p> <p>21 Q. Have you consulted with any personnel from any</p> <p>22 insurance company about this case during your</p> <p>23 investigation and prior to preparing your two</p> <p>24 reports?</p> <p>25 A. No, I have not.</p>
<p style="text-align: right;">Page 359</p> <p>1 THE WITNESS: It's totally different.</p> <p>2 MR. GARDNER: I couldn't agree more.</p> <p>3 QUESTIONS BY MR. GARDNER:</p> <p>4 Q. So you did not determine, as a result of your</p> <p>5 investigation, that there was an explosion</p> <p>6 involving these Space-Ray heaters, did you?</p> <p>7 A. There was -- not to my knowledge, there was no</p> <p>8 explosion.</p> <p>9 Q. Other than damage --</p> <p>10 A. I don't know what occurred.</p> <p>11 Q. Other than damage from falling on the ground and</p> <p>12 some collapse damage, the three heater boxes or the</p> <p>13 propane gas ignites inside the Space-Ray heaters,</p> <p>14 they were fairly intact, weren't they?</p> <p>15 MR. JONES: Objection to form.</p> <p>16 MR. GARDNER: They weren't exploded.</p> <p>17 MR. JONES: Same objection.</p> <p>18 THE WITNESS: Yeah, there was -- they were</p> <p>19 fairly intact, I would say. They were damage --</p> <p>20 damaged by heat and --</p> <p>21 QUESTIONS BY MR. GARDNER:</p> <p>22 Q. But they were -- they weren't damaged by an</p> <p>23 explosion, were they?</p> <p>24 MR. JONES: Objection to form and foundation.</p> <p>25 THE WITNESS: Not that I could tell.</p>	<p style="text-align: right;">Page 361</p> <p>1 Q. Can you go to -- go to Page 7 of your second</p> <p>2 report, Defendants' Exhibit G.</p> <p>3 A. Page 7 of the report?</p> <p>4 Q. Yeah.</p> <p>5 A. Okay.</p> <p>6 Q. The top photograph you wrote, reference photo --</p> <p>7 photograph three, Two heater components and paint</p> <p>8 on reflector unit in area of fire origin. Is that</p> <p>9 what you wrote?</p> <p>10 A. Yes.</p> <p>11 Q. There's a lot of blue paint in this photograph,</p> <p>12 isn't there?</p> <p>13 A. Yes.</p> <p>14 Q. It's bright blue, isn't it?</p> <p>15 A. Yes.</p> <p>16 Q. Is all of it on the tube heater components and</p> <p>17 reflector, or is some of it on the ground?</p> <p>18 A. Some of it's on the ground.</p> <p>19 Q. Most of it's on the ground.</p> <p>20 A. Yeah. Some of it, yeah.</p> <p>21 Q. I --</p> <p>22 A. That's just a general picture of a thousand</p> <p>23 pictures that I took.</p> <p>24 Q. I'm just talking about this one. You -- you</p> <p>25 thought it was important enough to put in your</p>

<p style="text-align: right;">Page 362</p> <p>1 report, didn't you?</p> <p>2 MR. JONES: Objection to form.</p> <p>3 MR. GARDNER: Of the thousands of pictures.</p> <p>4 MR. JONES: Same objection.</p> <p>5 THE WITNESS: Yeah. It was an -- it was a</p> <p>6 photograph just to show that the paint was present</p> <p>7 throughout the facility, for the most part, and</p> <p>8 at -- in the area of origin as well.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. Your second report and final report has exactly</p> <p>11 five photographs in it, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Take my word for it.</p> <p>14 A. Okay.</p> <p>15 Q. All right. Well, you can see it and look at it on</p> <p>16 Page 7, Exhibit G, your second report, that this</p> <p>17 blue paint in the photo on the floor looks exactly</p> <p>18 like, at least in color and contrast, to the blue</p> <p>19 paint that you're claiming is on the reflector</p> <p>20 unit.</p> <p>21 MR. JONES: Objection to form.</p> <p>22 THE WITNESS: I -- on this -- yeah. The</p> <p>23 paint -- the -- the bright blue paint on the right</p> <p>24 side of the picture is on the floor. But there is</p> <p>25 paint -- this photograph here is not -- doesn't</p>	<p style="text-align: right;">Page 364</p> <p>1 Q. Okay.</p> <p>2 A. -- right offhand.</p> <p>3 Q. You can't see anything. So you'll concede,</p> <p>4 however, on Page 7 of your ex -- your second and</p> <p>5 final expert report, so far in this case, that you</p> <p>6 created in, I think, November 2022, all the blue</p> <p>7 paint in this photograph, is it the same</p> <p>8 brightness, consistency, saturation --</p> <p>9 A. In --</p> <p>10 Q. -- it's all bright blue, isn't it?</p> <p>11 A. In these photographs, yes. They -- these were</p> <p>12 taken much soon -- much sooner in the process</p> <p>13 though than what obviously the -- we saw at the</p> <p>14 examination of the heaters.</p> <p>15 Q. The bottom --</p> <p>16 A. This is -- this is at the time I was there</p> <p>17 collecting the evidence and things like that.</p> <p>18 Q. May 10th, 2019.</p> <p>19 A. Yes.</p> <p>20 Q. Bottom photograph 4 --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- Exhibit G, Page 7. You wrote, Two heater and</p> <p>23 the paint on reflector along with charring, and</p> <p>24 more heat on this heater unit than others,</p> <p>25 indication -- I'm sorry, yeah -- indication origin</p>
<p style="text-align: right;">Page 363</p> <p>1 demonstrate adequately to that photograph, I guess.</p> <p>2 But there is paint on the interior of the units</p> <p>3 themselves.</p> <p>4 QUESTIONS BY MR. GARDNER:</p> <p>5 Q. In this photograph --</p> <p>6 A. Not --</p> <p>7 Q. -- or just others?</p> <p>8 A. No, in others as well. These are just general</p> <p>9 photographs of the -- of the fire origin.</p> <p>10 Q. Jim, I'm gonna hand you what I've marked Exhibit G,</p> <p>11 Page 7.</p> <p>12 A. Yes.</p> <p>13 Q. Same photo you're looking at. And take your time.</p> <p>14 Please circle on that photograph what part of the</p> <p>15 blue paint is on any part of the heater or the</p> <p>16 heater shield. And then hold it up to the camera</p> <p>17 so he can zoom in.</p> <p>18 A. I can't quite tell with this photograph here.</p> <p>19 But --</p> <p>20 Probably could have used a more demonstrative</p> <p>21 picture, I guess, a more reflective. But I</p> <p>22 don't -- I can't quite tell what's re -- what</p> <p>23 the -- I mean, obviously, the blue --</p> <p>24 Q. (Unintelligible.)</p> <p>25 A. I -- I can't see anything on there --</p>	<p style="text-align: right;">Page 365</p> <p>1 area.</p> <p>2 You think this photograph shows blue paint on</p> <p>3 any part of the heaters rather than just showing</p> <p>4 blue paint on the floor?</p> <p>5 A. I think --</p> <p>6 MR. JONES: Objection to form. You can</p> <p>7 answer.</p> <p>8 THE WITNESS: I think on the heater unit</p> <p>9 itself, right there at the -- where it comes out of</p> <p>10 the -- the heater burner unit itself, there is --</p> <p>11 you can kind of almost see it right in that picture</p> <p>12 right here.</p> <p>13 QUESTIONS BY MR. GARDNER:</p> <p>14 Q. I can't see it at all. You go ahead and circle it</p> <p>15 and show the camera. We've got to move on.</p> <p>16 A. Okay.</p> <p>17 Q. Take your time. Is that visible, Jim? I can't</p> <p>18 tell.</p> <p>19 A. It doesn't show up very well on there but there --</p> <p>20 Q. Try red.</p> <p>21 A. -- right in that area. It doesn't show up either.</p> <p>22 MR. HEHNER: Try that.</p> <p>23 THE WITNESS: Nope.</p> <p>24 MR. HEHNER: Show up? Try that.</p> <p>25 MR. JONES: Do you have a paint brush in</p>



<p style="text-align: right;">Page 366</p> <p>1 there?</p> <p>2 THE WITNESS: I don't -- there's about four</p> <p>3 our five circles there. Can you see that?</p> <p>4 MR. GARDNER: I'll take it back. We're gonna</p> <p>5 give it to the court reporter.</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. GARDNER: Thanks, Jim Hehner. And thanks,</p> <p>8 Jim Foster.</p> <p>9 QUESTIONS BY MR. GARDNER:</p> <p>10 Q. So this bottom photo, Jim, Defendants' Exhibit G,</p> <p>11 your report, Page -- I'm sorry.</p> <p>12 A. Seven.</p> <p>13 Q. It's Page 6 of your report. It's Page 7 of the</p> <p>14 exhibit. That is the south heater?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And this heater --</p> <p>17 A. I believe so, yes.</p> <p>18 Q. -- was examined in the laboratory at Rimkus twice?</p> <p>19 A. Yes.</p> <p>20 Q. In February and August of 2022?</p> <p>21 A. I don't know about twice. I don't -- somebody</p> <p>22 looked at it. I wasn't present at that. I was</p> <p>23 only present at one.</p> <p>24 Q. You were there at the August --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 368</p> <p>1 THE WITNESS: -- positioning of the heaters.</p> <p>2 MR. GARDNER: Just asking for: Could you show</p> <p>3 us blue paint? That was my question.</p> <p>4 THE WITNESS: Yes. I could show you blue</p> <p>5 paint on those heaters.</p> <p>6 MR. GARDNER: You said no in that room.</p> <p>7 THE WITNESS: I did not say no.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. You sure?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. I have pictures to prove otherwise.</p> <p>13 Q. To prove that you said yes?</p> <p>14 A. No. That there's paint on the units themselves.</p> <p>15 Q. Okay. Pictures taken in the lab that day?</p> <p>16 A. Yes.</p> <p>17 Q. You believe would show paint on the south heater?</p> <p>18 A. Yes, I do. I don't know about the south heater,</p> <p>19 which one offhand it was. But there's -- it shows</p> <p>20 paint on the heater.</p> <p>21 Q. Are you telling me that in the August '22 lab exam</p> <p>22 at Rimkus, when we were all looking at the south</p> <p>23 heater that you depicted at the bottom of your</p> <p>24 report, Page 6 of your report of 2022, that</p> <p>25 there's -- the blue paint isn't there anymore?</p>
<p style="text-align: right;">Page 367</p> <p>1 Q. -- 2022 --</p> <p>2 A. Right.</p> <p>3 Q. -- when I was there.</p> <p>4 A. Yes.</p> <p>5 Q. And I asked you in the presence of all the experts</p> <p>6 and the attorneys in assembly if you could show us</p> <p>7 on any of the heaters, any component of the</p> <p>8 Space-Ray heaters that my client installed, any</p> <p>9 blue paint, and you told us no.</p> <p>10 MR. JONES: Objection.</p> <p>11 QUESTIONS BY MR. GARDNER:</p> <p>12 Q. What did you mean by that answer?</p> <p>13 MR. JONES: Objection to form, foundation.</p> <p>14 THE WITNESS: I did not say no as for that --</p> <p>15 you asked me where I took samples from.</p> <p>16 MR. GARDNER: I asked you that too. But I</p> <p>17 also asked you where --</p> <p>18 MR. JONES: If you could let him finish.</p> <p>19 MR. GARDNER: He's answering a different</p> <p>20 question. He's answering the next question.</p> <p>21 THE WITNESS: The only -- only answer that I</p> <p>22 give to where I -- I didn't know was the -- where</p> <p>23 the sample were collected. Samples were collected</p> <p>24 because of -- of the --</p> <p>25 MR. GARDNER: I'm not on the samples.</p>	<p style="text-align: right;">Page 369</p> <p>1 MR. JONES: Objection to form.</p> <p>2 THE WITNESS: I have no idea which -- in what</p> <p>3 area and what photographs I have as for as at the</p> <p>4 examination. But I do know that there were several</p> <p>5 areas where I took pictures of that had blue paint</p> <p>6 on the heaters and the heater exam, when we did the</p> <p>7 examination of the heaters.</p> <p>8 QUESTIONS BY MR. GARDNER:</p> <p>9 Q. Was it as bright blue as depicted on the top of --</p> <p>10 on photograph three of your second report?</p> <p>11 A. No. It was not bright blue. It was baked-on</p> <p>12 blue -- baked-on blue. Kind of a light blue.</p> <p>13 Q. It was light blue.</p> <p>14 A. Yes.</p> <p>15 Q. Can you show us any pictures -- can you show us any</p> <p>16 pictures today of this bright blue, sorry,</p> <p>17 light-blue paint on --</p> <p>18 A. I -- I don't have any --</p> <p>19 Q. Hold on -- on any components of the Space-Ray</p> <p>20 heaters?</p> <p>21 A. If -- if there's pictures available that I -- from</p> <p>22 the examination, yes. I --</p> <p>23 MR. GARDNER: Yeah, okay. We can just go off</p> <p>24 now.</p> <p>25 THE VIDEOGRAPHER: This ends media five. The</p>

<p style="text-align: right;">Page 370</p> <p>1 local time is 5:55. We are off the record.</p> <p>2 (A brief recess was taken.)</p> <p>3 THE VIDEOGRAPHER: This begins media six. It</p> <p>4 is 6:05 p.m., and we are on the record.</p> <p>5 QUESTIONS BY MR. GARDNER:</p> <p>6 Q. So before we broke, I believe the subject was --</p> <p>7 you were telling me about photographs you took in</p> <p>8 August of 2022 at the Rimkus examination of the</p> <p>9 heaters?</p> <p>10 A. Yes.</p> <p>11 Q. That you believe show light-blue paint?</p> <p>12 A. Yes.</p> <p>13 Q. How many photos do you think you took that showed</p> <p>14 light-blue paint on any of the three heaters on --</p> <p>15 in August of 2022 at Rimkus?</p> <p>16 A. Probably overall at least three photos that I can</p> <p>17 recall.</p> <p>18 Q. So that would be easy for you to find and give to</p> <p>19 Thomas, wouldn't it?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And, do you remember, were they all from the north</p> <p>22 heater, all from the center heater, all from the</p> <p>23 south, or some combination?</p> <p>24 A. I don't know exactly which one they're from at this</p> <p>25 point. I could look it up -- I mean, I have them</p>	<p style="text-align: right;">Page 372</p> <p>1 A. I don't know what it -- what -- if it's combusted.</p> <p>2 It's similar to the paint that was on there</p> <p>3 whenever I made -- got the collections off and what</p> <p>4 I saw on the --</p> <p>5 Q. Regardless of --</p> <p>6 A. -- reflectors --</p> <p>7 Q. -- of some prior sequence, I'm asking you: This</p> <p>8 light-blue paint that you took photographs, that</p> <p>9 you claim in August of last year at Rimkus --</p> <p>10 A. Yes.</p> <p>11 Q. -- there's still light blue after combustion? Or</p> <p>12 is it your opinion that blue paint was not</p> <p>13 combusted?</p> <p>14 A. I don't think it was combusted, no.</p> <p>15 Q. Okay. So the rest of the blue paint other -- that</p> <p>16 wasn't -- that you couldn't find on the heaters, it</p> <p>17 was 'cause it had been combusted and was gone? Is</p> <p>18 that what you're saying?</p> <p>19 A. I'm -- I'm saying the environment probably had a</p> <p>20 lot to do with some of the res -- but there was</p> <p>21 several -- initial -- the initial exam showed a lot</p> <p>22 of paint on the reflectors and on the tubes</p> <p>23 initially.</p> <p>24 Q. What -- what initial one?</p> <p>25 A. The first one, the examination that I -- when I was</p>
<p style="text-align: right;">Page 371</p> <p>1 sequential as for as, you know, the north heater.</p> <p>2 What -- the way we examine them at the lab exam.</p> <p>3 But I don't know exactly which one showed residue</p> <p>4 of paint.</p> <p>5 Q. But it was just one?</p> <p>6 A. I think it was two of them that I noticed the paint</p> <p>7 was on, yes.</p> <p>8 Q. And what components of the two of them was it on?</p> <p>9 A. On the tube itself.</p> <p>10 Q. Not the -- not the heater box?</p> <p>11 A. Not that I could recall on the heater box.</p> <p>12 Q. And not the deflectors?</p> <p>13 A. Not the deflectors. Well, there -- there was one</p> <p>14 deflector, I think, that had some residue on it.</p> <p>15 But I -- I can't recall which --</p> <p>16 Q. I'm not asking about residue. I'm asking about</p> <p>17 visible, light-blue paint.</p> <p>18 A. Yeah, that's what I'm referring to is paint</p> <p>19 residue.</p> <p>20 Q. And do you think that the three pictures you took</p> <p>21 at the Rimkus facility in August of last year,</p> <p>22 2022, you're telling us now show light-blue paint</p> <p>23 on these heater tubes.</p> <p>24 A. Yes.</p> <p>25 Q. Was combusted blue paint?</p>	<p style="text-align: right;">Page 373</p> <p>1 there the first time and -- and also the second</p> <p>2 time.</p> <p>3 Q. So -- hold on. We get our dates right here. So</p> <p>4 you're talking March 20th, 2019 to May 10th, 2019?</p> <p>5 A. Yes.</p> <p>6 Q. And you took pictures of all that.</p> <p>7 A. Yes.</p> <p>8 Q. All this blue paint on these heaters.</p> <p>9 A. Not on -- not on the first day I was there, on the</p> <p>10 19th, but on the --</p> <p>11 Q. The 10th?</p> <p>12 A. -- the heat -- the day -- the heat, yeah. The day</p> <p>13 I did the examination of the heaters.</p> <p>14 Q. You mean you took the samples.</p> <p>15 A. Yes.</p> <p>16 Q. You had --</p> <p>17 A. I also took several pictures that day as well.</p> <p>18 Q. I know. And you had to remove debris off the top</p> <p>19 of heaters to get it them, didn't you?</p> <p>20 A. Yes.</p> <p>21 Q. All right.</p> <p>22 A. The metal components of the roof.</p> <p>23 Q. I'm -- I'm in -- wait a minute. You referenced</p> <p>24 NFPA 921 in both of your reports.</p> <p>25 A. Uh-huh.</p>

<p style="text-align: right;">Page 374</p> <p>1 Q. At the time you wrote your first report, the only 2 one in existence was the 2017 edition, correct? 3 A. Yeah, other than prior editions. But that -- 4 Q. Yeah. 5 A. -- was the one that was effective, yeah, or active 6 in that -- 7 Q. And when you wrote your second report, it was the 8 2021 edition, right? 9 A. Yes. 10 Q. But wouldn't it be fair to say that since the 11 time -- time of the fire was 2019. 12 A. Yes. 13 Q. And the bulk of your investigation was prior to you 14 issuing your 2022 report, the edition that you were 15 referring to was the 2017 edition. 16 A. Yes. 17 Q. Okay. Good thing I brought it. 18 So in that edition, in Chapter 18, 19 Section 18.4.6, it says, Analysis of sequential 20 events. You're familiar with that term, phrase? 21 A. Yes. 22 Q. All right. The analysis of the timing or sequence 23 of events during a fire can be useful in 24 determining the origin, period. Much of the data 25 for this analysis will come from witnesses, period.</p>	<p style="text-align: right;">Page 376</p> <p>1 So tell me your opinion, in terms of the 2 sequence of combustion, assuming your hypothesis is 3 correct, that this blue paint and other products 4 were caused to ignite when the heater activated, as 5 you say in your second report, once that this first 6 fuel burns. You say the first fuel's propane, 7 don't you? 8 A. That would be the first thing that ignited, yes. 9 Q. And the second -- second thing to ignite is this 10 blue paint? 11 A. Would be the remnants of blue paint that was 12 combustible, according to the company -- 13 Q. Okay. Then -- 14 A. -- off. 15 Q. -- what's next? What's the next fuel? 16 A. Well, we had a lot of that blue paint, number one, 17 throughout the process. And then you had other 18 combustibles. Once that caught fire, it just 19 spread throughout the -- 20 Q. I'm asking you -- 21 A. -- building. 22 Q. -- what the -- I want exactly your sequence of 23 events of combustibles. You said number one was 24 propane, and number two was blue paint. What -- 25 A. Right.</p>
<p style="text-align: right;">Page 375</p> <p>1 You agree with all that? 2 A. Yes. 3 Q. In some instances, comma, a witness may be found 4 who saw the fire in its inception stage and can 5 provide the investigator with an area of fire 6 origin. Do you agree with that? 7 A. Yes. 8 Q. Okay. Such circumstances create a burden on the 9 fire investigator to conduct a thorough and 10 investigation as possible to find facts that can 11 support or refute the witnesses' statements. Do 12 you agree with that? 13 A. Yeah, I -- yeah, I think you have an obligation to 14 see if that's the potential hypothesis or not, yes. 15 Q. Continuing: Quote, Means to verify such statements 16 could include pattern analysis, arc mapping -- you 17 didn't do you any arc mapping, did you? 18 A. I did not. 19 Q. Matching smoke detectors. There weren't any smoke 20 detectors, were there? 21 A. Not to my knowledge, no. 22 Q. A heat detector? You didn't use any heat -- there 23 weren't any heat detectors -- 24 A. No. 25 Q. -- were there?</p>	<p style="text-align: right;">Page 377</p> <p>1 Q. After those burned, what is there left up there, 2 anywhere near any of these heaters, to -- to 3 sustain combustion to burn this building? 4 MR. JONES: Objection to form; asked and 5 answered. 6 THE WITNESS: Because of the blue paint and 7 the res -- there was -- residue was everywhere in 8 this facility, according to the witnesses, that I 9 base my opinions on, which is the first number one 10 thing as for as in the -- a cause and origin 11 decisionmaking process is obviously witness 12 statements -- 13 Q. So it's the blue -- 14 A. -- and that -- 15 Q. -- paint all the rest of the room is what you're -- 16 A. Well, it's -- it's partly that as well as the fact 17 that once you -- it -- that heater was over near 18 the south wall. And that south wall is actually 19 combustible. That -- it's got -- it's a wooden -- 20 wooden wall to the storage unit. 21 Q. So that's, you think, was the second fuel -- sorry, 22 the third fuel was the -- 23 A. I -- I don't know the -- the total sequence of how 24 that all occurred. But I'm just saying that the -- 25 the ignition source is all compatible with the --</p>

<p style="text-align: right;">Page 378</p> <p>1 Q. You're on a different question. I'm asking you the  2 sequence of events of -- of combustion in this  3 room, not for your entire opinion here again. I've  4 got to leave Space-Ray some time.  5 A. I don't know what the sequence of events amounted  6 to. I do know --  7 Q. No, wait. Sequence of events of combustion is what  8 I'm talking about. Combustible --  9 A. Right.  10 Q. -- materials. You've told me number one is  11 propane.  12 A. Right.  13 Q. Number two is blue paint inside --  14 A. Right.  15 Q. -- the tube heaters.  16 A. Correct.  17 Q. Okay. Not inside the heater.  18 A. Well, inside the tube heater --  19 MR. JONES: Objection to form.  20 MR. GARDNER: Right.  21 MR. JONES: You can answer.  22 MR. GARDNER: Inside the tube heater -- go  23 ahead.  24 THE WITNESS: Inside the tube heaters. And  25 then obviously there's the same type of material</p>	<p style="text-align: right;">Page 380</p> <p>1 He's already answered that question.  2 THE WITNESS: I'm saying is --  3 MR. GARDNER: You're right, Thomas. He said  4 he doesn't know the sequence of events, of -- other  5 than number one was propane and number two was blue  6 paint in the heater tubes, and number three was  7 blue paint on the tubes and the reflectors.  8 THE WITNESS: The residue of the paint, the  9 combustible --  10 QUESTIONS BY MR. GARDNER:  11 Q. Beyond that you don't know.  12 A. -- of the paint and of the construction of the  13 building was primarily -- a lot of wood  14 construction as well of the -- the structure --  15 Q. So the wood building --  16 A. -- itself.  17 Q. -- just caught on fire after the blue paint  18 ignited. Is that it?  19 A. No, that's not -- I'm not -- well, it did catch on  20 fire eventually. But --  21 Q. Yeah. But you don't the sequence --  22 A. I don't know the sequence past the fact that I  23 think ignition source was the heaters kicking on at  24 the certain time.  25 Q. Okay. The sequence that you don't -- you said I</p>
<p style="text-align: right;">Page 379</p> <p>1 outside the tube heaters which would --  2 QUESTIONS BY MR. GARDNER:  3 Q. You mean on the tube heaters?  4 A. On the tube heaters and --  5 Q. Okay.  6 A. -- on the reflectors and everywhere around that  7 area.  8 Q. Okay. Then what?  9 A. And those would ignite and basically cause and  10 produce other things nearby to continue to express.  11 Q. What are the other things precisely?  12 A. Primarily the paint, the -- and the -- as well as  13 the -- being that it's -- it's close to other areas  14 involvement.  15 Q. What other areas?  16 A. And it's a wood frame --  17 MR. JONES: If he could finish his answer.  18 MR. GARDNER: He's giving vague answers. He  19 said --  20 THE WITNESS: It's a wood -- it's a wood-frame  21 construction.  22 QUESTIONS BY MR. GARDNER:  23 Q. The third thing that combusted was the wood wall  24 that separated the paint bay from the storage room?  25 MR. JONES: Objection, asked and answered.</p>	<p style="text-align: right;">Page 381</p> <p>1 don't know the sequence past the fact, you're  2 talking about the sequence of combustion,  3 combustible materials igniting, correct?  4 A. There -- yeah. There was other combustible  5 materials that would have potentially ignited.  6 There's also a drop-down from the -- from the  7 ceiling area. That could have potentially ignited  8 other combustibles that -- down on the ground as  9 well.  10 Q. You think during this fire --  11 A. -- all --  12 Q. This is just a different question. You're  13 conceding that during this fire materials on the  14 ground combusted, like the paint thinner?  15 MR. JONES: Objection to --  16 THE WITNESS: I'm just --  17 MR. JONES: -- objection to form.  18 THE WITNESS: -- I'm just saying there's a  19 possibility of that, yes. I don't know. I wasn't  20 inside the facility when it caught fire, number  21 one. I'm only --  22 QUESTIONS BY MR. GARDNER:  23 Q. But you're the fire investigator.  24 A. I'm -- I'm basing my opinion on --  25 MR. JONES: Let him -- let him finish his</p>

<p style="text-align: right;">Page 382</p> <p>1 answer.</p> <p>2 THE WITNESS: -- on what witnesses stated and</p> <p>3 basically what the lab results stated --</p> <p>4 MR. GARDNER: Okay.</p> <p>5 THE WITNESS: -- and what I saw and the facts</p> <p>6 that were presented to me at the scene.</p> <p>7 QUESTIONS BY MR. GARDNER:</p> <p>8 Q. The lab results helped you figure out the sequence</p> <p>9 of fire events subsequent to ignitial -- ignition</p> <p>10 of propane, blue paint inside the heater tubes, and</p> <p>11 blue paint on the heater tubes and reflectors.</p> <p>12 A. No.</p> <p>13 Q. You think -- and past that you -- you'll concede</p> <p>14 that any combustion past that would be in no way,</p> <p>15 shape, or form affected by Sharee Wells' opinions,</p> <p>16 correct?</p> <p>17 MR. JONES: Objection to form. It's a</p> <p>18 compound question.</p> <p>19 THE WITNESS: The only thing that would affect</p> <p>20 Sharee Wells' opinion was the presence of</p> <p>21 combustible materials on the heaters and in the</p> <p>22 heaters. That's my opinion.</p> <p>23 QUESTIONS BY MR. GARDNER:</p> <p>24 Q. On them? I thought you only sent her materials --</p> <p>25 A. I -- I mean, yeah. I -- she confirmed that that</p>	<p style="text-align: right;">Page 384</p> <p>1 A. -- because of the combustible materials.</p> <p>2 Q. Thank you.</p> <p>3 MR. GARDNER: I'll pass the witness.</p> <p>4 MR. HEHNER: Mr. Foster, my name is Jim</p> <p>5 Hehner. I represent Gas-Fired Products doing</p> <p>6 business as Space-Ray.</p> <p>7 QUESTIONS BY MR. HEHNER:</p> <p>8 Q. I think I understand your answers to Mr. Gardner's</p> <p>9 questions. But I'm going to ask them a little</p> <p>10 different way. I want to ask you about my client's</p> <p>11 product.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Do you have -- from your investigation, do you have</p> <p>14 any information or evidence that would cause you to</p> <p>15 believe that the tube heaters failed to perform or</p> <p>16 operate properly?</p> <p>17 A. I have no information that would lead me to suspect</p> <p>18 that the heaters didn't perform properly.</p> <p>19 Q. Okay. That's what I thought your answer would be</p> <p>20 based on your other answers. Let me ask it a</p> <p>21 slightly different way. Do you have any evidence</p> <p>22 or information that -- that there was any failure</p> <p>23 to operate properly by the tube heaters that caused</p> <p>24 the fire?</p> <p>25 A. No. I do not have any reason to suspect there's a</p>
<p style="text-align: right;">Page 383</p> <p>1 was -- the material that I sent to her inside was</p> <p>2 -- was combustible.</p> <p>3 Q. Wait. The only material you sent to her was from</p> <p>4 inside --</p> <p>5 A. That I can confirm, yes, as a lab result.</p> <p>6 Q. You're -- you're -- isn't it true, the only thing</p> <p>7 you ever sent to Sharee Wells was materials</p> <p>8 collected from inside the tube heaters?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Pipes.</p> <p>11 A. Yes.</p> <p>12 Q. Not the box.</p> <p>13 A. Not the box.</p> <p>14 Q. And did you inspect the inside of the three burner</p> <p>15 boxes at the Rimkus facility in August of 2022?</p> <p>16 A. Yes, I did.</p> <p>17 Q. And did you see -- did you see blue paint inside</p> <p>18 any of those?</p> <p>19 A. No. And I wouldn't've expected to see blue paint</p> <p>20 inside of it.</p> <p>21 Q. Why not?</p> <p>22 A. Not inside of the burner box 'cause it's gonna burn</p> <p>23 all -- if there was anything in there, it was gonna</p> <p>24 burn off, number one, because of the heat. And --</p> <p>25 Q. I'll accept that.</p>	<p style="text-align: right;">Page 385</p> <p>1 failure --</p> <p>2 Q. Okay.</p> <p>3 A. -- of the heaters.</p> <p>4 Q. You talked about photos with -- you remember where</p> <p>5 the A cards were and the B cards and the C cards?</p> <p>6 A. Yes.</p> <p>7 Q. And you said those helped indicate where the</p> <p>8 samples were taken from. Do you have any</p> <p>9 photographs, diagrams, videos, anything that shows</p> <p>10 you actually in the process of retrieving the</p> <p>11 materials that came from those sites and ended up</p> <p>12 in the cans?</p> <p>13 A. No, I do not.</p> <p>14 Q. Okay.</p> <p>15 A. And the reason I do -- did not have any photo or</p> <p>16 any --</p> <p>17 MR. GARDNER: He didn't -- hold on. I object.</p> <p>18 He didn't ask -- object to the answer. He didn't</p> <p>19 ask you the reason.</p> <p>20 MR. JONES: You're object --</p> <p>21 MR. GARDNER: -- again.</p> <p>22 MR. JONES: To be clear --</p> <p>23 MR. HEHNER: I'll ask him. I'll just ask him.</p> <p>24 MR. JONES: Right. But to be clear --</p> <p>25 QUESTIONS BY MR. HEHNER:</p>

<p style="text-align: right;">Page 386</p> <p>1 Q. You have no photos; is that right? No videos, no 2 diagrams, no photos. 3 A. Not from inside of the -- when I was collecting -- 4 Q. The process of retrieval. 5 A. Right. 6 Q. And the -- and the -- and you wanted to tell me 7 why. Why is it? 8 A. The -- the reason why is because it was a -- it was 9 a kind of an afterthought, the day that I was 10 there. They asked me to come up to retrieve the 11 heaters, is what they wanted me to do. 12 Q. Okay. 13 A. To preserve them. And when I got there, I -- I 14 told them that I did not feel that the heaters 15 should be disturbed be -- until we have proper 16 examination of the heaters. 17 Q. Okay. 18 A. And then before I left, I thought, well, I maybe 19 should go ahead and collect the sample real quick, 20 so just to have that available. Because I wasn't 21 sure when I could get back in order to preserve the 22 evidence that -- that was in the heaters. 23 Q. I've heard -- I've heard reference to the words 24 sampling, gauze, swab, swabbing gauze, scraping. 25 Are the -- are you using all those terms</p>	<p style="text-align: right;">Page 388</p> <p>1 A. It's just -- 2 Q. -- space? 3 A. -- you can see the flame, kind of like you would a 4 furnace. It's closed up but you can look inside -- 5 Q. Okay. 6 A. -- and see it burning. So -- 7 Q. But you can't see any flame along the tube itself. 8 All you can see is an indication of heat like 9 blowing or something; is that right? 10 A. Not in the reference to what I was referring to, 11 the fire -- 12 MR. GARDNER: Jim, you're talking about the 13 ones at his fire station. 14 MR. HEHNER: Right. 15 MR. GARDNER: Not the ones in the building. 16 MR. HEHNER: That's correct. 17 QUESTIONS BY MR. HEHNER: 18 Q. Yeah. And what I'm saying is, you don't see open 19 flames in those tubes because they're solid metal. 20 You just see heat. 21 A. Correct. 22 Q. Okay. You can't see heat. You see indications of 23 heat 'cause they're glowing. 24 A. Right. 25 Q. Okay.</p>
<p style="text-align: right;">Page 387</p> <p>1 interchangeably? 2 A. Yeah. I'm scraping it out with the gauze pad 3 basically is what I'm -- 4 Q. So you're not using a -- a device other than your 5 hand or a gauze pad. 6 A. Correct. Other than my fingers. 7 Q. Okay. You mentioned heaters in the fire stations. 8 You said that the fire -- some of the fire stations 9 you've worked it have very similar gas tube heaters 10 mounted up on the ceilings; is that right? 11 A. I don't believe they're Space-Ray. But I do 12 believe they have -- they're the similar-type 13 heaters that you can actually see the burners -- 14 Q. And that's -- 15 A. -- when they're burning, you can actually see the 16 flame inside of them. 17 Q. That's my question. Where do you see that flame? 18 Did you see it in the con -- what I -- my client 19 calls the control box, which you guys have called 20 the fire box or the heat box or something like 21 that. It's the area where the -- where the fuel is 22 supplied. Do you see that flame in that area? 23 A. At the front of the control box is -- is your 24 terminology. 25 Q. Is there an opening or a hole or a gap or a --</p>	<p style="text-align: right;">Page 389</p> <p>1 MR. HEHNER: That's all I have. Thank you 2 very much. 3 MR. JONES: Just a few. I think you -- 4 MR. HEHNER: How much time do we have? Can we 5 go off the -- I don't want to eat up time finding 6 out how much time we have. So how much time do we 7 have? 8 THE VIDEOGRAPHER: In a half hour we will be 9 at seven hours. 10 MR. HEHNER: Okay. Thank you. 11 MR. JONES: Okay. 12 CROSS-EXAMINATION, 13 QUESTIONS BY MR. JONES: 14 Q. Just to be clear on the numbers, how many fire 15 scenes have you been -- fire investigations have 16 you been involved in in your career? 17 A. As -- as a fire investigator, I would say probably 18 around 2,000 to 2500. I don't have an exact count 19 because it was -- been several -- over 44 years. 20 And we didn't really keep track of things years 21 ago. 22 Q. And -- and in those investigations, what has your 23 role been? 24 A. As a fire investigation -- investigator with the 25 fire departments, either volunteer-wise initially.</p>




<p style="text-align: right;">Page 390</p> <p>1 And then I was also the shift investigator with the</p> <p>2 City of Carmel Fire Department for ten years.</p> <p>3 Q. Have you been involved as a -- both as a -- like, a</p> <p>4 facilitator at investigations, like you were in</p> <p>5 this case, for all the other experts who showed up,</p> <p>6 and as a participant?</p> <p>7 A. Yeah. I've attended several joint scene</p> <p>8 examinations and participated in them and also ran</p> <p>9 a few of those in similar situations as this one</p> <p>10 here where these -- where multiple parties are</p> <p>11 involved.</p> <p>12 Q. Okay. There was discussion earlier about another</p> <p>13 expert in the case who says that he requested that</p> <p>14 additional, I think it was demolition to be done.</p> <p>15 And you can find it in his report, if I'm</p> <p>16 misstating it at all.</p> <p>17 But it's your testimony that -- that the</p> <p>18 statement in Mr. Agosti's report about that is</p> <p>19 false; is that correct?</p> <p>20 A. My statement of that is everybody has a chance to</p> <p>21 request anything at the site to be collected</p> <p>22 before -- as a site wraps up, everybody's back</p> <p>23 together. And my question to everyone is: Is</p> <p>24 there anything here that anybody wants us to</p> <p>25 uncover or they want us to evaluate or they want us</p>	<p style="text-align: right;">Page 392</p> <p>1 Q. -- is that fair?</p> <p>2 A. -- I do not.</p> <p>3 Q. Okay.</p> <p>4 MR. HEHNER: Thank you.</p> <p>5 QUESTIONS BY MR. JONES:</p> <p>6 Q. At some point in your investigation you spoke with</p> <p>7 Fred Jones, right?</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell us what Mr. Jones told you about his</p> <p>10 walkthrough at the end of the day and -- and</p> <p>11 whether or not -- what way -- well, let me back up.</p> <p>12 Strike that question.</p> <p>13 Tell me about your conversation with Fred</p> <p>14 Jones and what you learned from him.</p> <p>15 A. What he told me was that on the day of the fire --</p> <p>16 and he went through basically the timeframe of the</p> <p>17 situation, like, whenever they were in there</p> <p>18 working, when they did some welding earlier that</p> <p>19 morning, and things of that nature.</p> <p>20 And then at the end of the day they're</p> <p>21 required, the last hour of the day, to clean</p> <p>22 everything up, sweep the floor, check and be sure</p> <p>23 everything's turned off. And also the fact that</p> <p>24 they -- to be sure that the facility is locked up,</p> <p>25 turn the lights off, things of that nature.</p>
<p style="text-align: right;">Page 391</p> <p>1 to take as samples or evidence, whatever, speak now</p> <p>2 or -- 'cause the scene's gonna be turned back over</p> <p>3 to the owner.</p> <p>4 And if there's something we need to do, if</p> <p>5 it's -- if it's within reason. You know, we can't</p> <p>6 collect the whole building. But if it's in reason,</p> <p>7 we would -- we would obviously collect that item</p> <p>8 for that person.</p> <p>9 Q. You -- you --</p> <p>10 MR. HEHNER: His answer was -- I'm going to</p> <p>11 move to strike his answer as unresponsive to your</p> <p>12 question. You asked him if it was false and he</p> <p>13 never answered.</p> <p>14 MR. GARDNER: I'll object. It's also --</p> <p>15 MR. JONES: Okay.</p> <p>16 MR. GARDNER: -- inappropriate in Indiana or</p> <p>17 federal court to ask another witness whether</p> <p>18 somebody else said something false.</p> <p>19 MR. JONES: Okay.</p> <p>20 MR. GARDNER: You can use the word "incorrect"</p> <p>21 if you want to.</p> <p>22 QUESTIONS BY MR. JONES:</p> <p>23 Q. You don't agree with that statement that we were</p> <p>24 just talking about --</p> <p>25 A. No --</p>	<p style="text-align: right;">Page 393</p> <p>1 And then before he goes home, his job</p> <p>2 basically, he walks around the facility to be sure</p> <p>3 that that -- and he went into this, the paint area,</p> <p>4 to double check to be sure all that stuff was done.</p> <p>5 Q. Is it your understanding Fred Jones was the last</p> <p>6 person to walk through the paint -- what we've been</p> <p>7 calling the paint bay?</p> <p>8 A. Yes. That's the last person that I have known</p> <p>9 to -- prior to the fire.</p> <p>10 Q. Okay. Based on what you learned -- well, how did</p> <p>11 the information you learned from Fred Jones about</p> <p>12 his walkthrough impact your investigation and</p> <p>13 conclusions, if at all?</p> <p>14 A. Well, one thing that it did help was the fact that</p> <p>15 there was nothing running or nothing in operation</p> <p>16 inside the facility, other than obviously the</p> <p>17 electricity going to the heaters for the fan blower</p> <p>18 motors and things of that nature. The lights were</p> <p>19 turned off. And as for as any electric --</p> <p>20 electrical motors, things like that, or fans, they</p> <p>21 were all in the off position.</p> <p>22 Q. Did you follow the scientific method throughout the</p> <p>23 course of your investigation?</p> <p>24 A. In every investigation I do, and including this</p> <p>25 investigation, the scientific method is always</p>

<p style="text-align: right;">Page 394</p> <p>1 followed. And sometimes those -- as for as the 2 steps are concerned, it may not always be step two 3 versus step three and three versus four. Sometimes 4 we get information initially. 5 And in this particular case I was given 6 information prior to the fire that we just tuck 7 away and put on a shelf, so to speak, until we can 8 use that as a potential hypothesis. And if all the 9 evidence points to where that could be a -- the 10 potential ignition source or cause of the fire, 11 then as long as it's a -- comes underneath that 12 probable cause to suspect that, then we would 13 select that as a potential or as the probable cause 14 of the fire, based on all the evidence put together 15 and facts. 16 Q. Sure. And you mentioned earlier that you often, 17 throughout your work, reference NFPA 921; is that 18 right? 19 A. Yes, I do. 20 Q. Did you reference NFPA 921 throughout the course of 21 this investigation at effort? 22 A. I didn't obviously have the book available 'cause 23 I'm knowledgeable with the book. I've had several 24 classes. And training obviously shows that you 25 have -- and questions in regard to NFP 921. But I</p>	<p style="text-align: right;">Page 396</p> <p>1 THE WITNESS: Well, not fire cause. Fire 2 spread or fire -- I can't think of the name of it. 3 MR. JONES: That's -- that's okay. That's 4 okay. 5 QUESTIONS BY MR. JONES: 6 Q. Quick question -- 7 A. Patterns. 8 Q. -- on the MSDS sheets for this -- that we were 9 looking at earlier. We've -- we've looked at a 10 number of MSDS sheets in this case. One of them -- 11 and I don't know what exhibit number it was, but it 12 was for the Blue Sheboygan paint. Do you remember 13 looking at that? 14 A. Yes. 15 Q. Okay. Do you have any reason to doubt the 16 representations the manufacturer made in that MSDS 17 sheet? 18 A. No, I do not. The same information was actually on 19 the container itself that contained the paint. 20 Q. And -- and just to clarify. There was some 21 discussion about the level of certainty that you 22 have on your conclusions in this case. Is it your 23 testimony that you -- you hold the opinions -- or 24 strike that. 25 The opinions you hold in this case are held to</p>
<p style="text-align: right;">Page 395</p> <p>1 do read it periodically just to keep up on the -- 2 some of the information as well as -- because it is 3 a unit that we need -- or a book that we use to 4 guide us in our investigations. And every 5 investigation is from day one that I've ever 6 done -- I guess not from day one because it 7 actually in '79 there was no NFPA 921 -- 8 Q. Sure. 9 A. -- but since it came out and was involved in the 10 fire investigation world, since that day one we 11 have used that as a guide. 12 Q. Do -- do you have any recollection whether or not 13 in this particular case, and in this particular 14 investigation, if at any point you would have 15 referenced NFPA 921? 16 A. I've all -- obviously referenced the -- I've read 17 the certain sections of the book and so forth and 18 things of that nature. And in -- in one capacity I 19 noticed that they -- the -- Mr. Agosti, whatever, 20 referenced art mapping and other things that may be 21 used. And in 2017 that was still in the -- the 22 book. But actually in 2021 edition, they took that 23 out of the fire origin category and put it under 24 fire -- 25 MR. GARDNER: Cause.</p>	<p style="text-align: right;">Page 397</p> <p>1 a degree of fire science certainty; is that 2 correct? 3 A. Yes. 4 MR. GARDNER: Objection, asked and answered. 5 Furthermore, Plaintiff's counsel have the option to 6 contact him after seeing his report to get 7 clarification, yet they released it without any 8 statement like that initially. 9 MR. JONES: What -- what exactly is your 10 objection? Asked and answered? 11 MR. GARDNER: That's part of it, yeah. 12 MR. JONES: Okay. What was the -- all of the 13 other commentary? Is that ... 14 MR. GARDNER: Form of the -- form of the 15 question. 16 MR. JONES: Okay. 17 QUESTIONS BY MR. JONES: 18 Q. You were shown on exhibit -- Defendants' Exhibit G, 19 Page 7 -- I'm gonna put that in front of you. 20 You've got it still in front of you? 21 A. Yeah. 22 Q. It's part of your initial report. And we were 23 looking at photograph three. And you were asked to 24 identify in both photograph three and photograph 25 four where you see the paint residue that you</p>

<p style="text-align: right;">Page 398</p> <p>1 observed the date that you took those photographs.  2 Do you remember that?  3 A. Yes.  4 Q. During a break I showed you these photos on a  5 digital format with increased brightness. And when  6 you observed that, were you able to more clearly  7 see the paint residue that you were referencing  8 earlier on both photograph three and photograph  9 four?  10 A. Yes, sir.  11 Q. So it's -- is it your testimony that photograph  12 three and photograph four, as represented in  13 Exhibit G, Page 7 -- it -- are you saying that it  14 doesn't allow you to -- the way these are printed  15 don't allow you to as clearly see the -- the paint  16 residue that you observed the day that you took the  17 photographs?  18 A. Yes.  19 Q. Okay. The last thing. We were looking through  20 several pictures under Defendants' Exhibit NN. And  21 these were several photos that Mr. Gardner told you  22 Rimkus took in the -- I think it was in the last  23 couple of weeks. Do you remember that?  24 A. Yes.  25 Q. Okay. And all of those photographs that you were</p>	<p style="text-align: right;">Page 400</p> <p>1 comma, resulting in a fire or explosion. Do you  2 agree with that?  3 A. I agree with the point of origin definition, yes.  4 Q. Continuing: Quote, The origin of a fire is one of  5 the most important hypotheses that an investigator  6 develops and tests during the investigation. Do  7 you agree with that?  8 A. Yes.  9 Q. Quote, Generally, comma, if the origin cannot be  10 determined, comma, the cause cannot be determined,  11 comma, and generally, comma, if the correct origin  12 is not identified, comma, the subsequent cause  13 determination will also be incorrect. Do you agree  14 with that?  15 A. Yes.  16 Q. Did you prepare an origin matrix [sic] analy --  17 analysis in this case?  18 A. No.  19 Q. Did -- did you measure char depth of anything in  20 this case?  21 A. No.  22 Q. So you did not prepare a depth-of-char diagram,  23 right?  24 A. In this particular fire there's no indication of a  25 char depth would be something you could use.</p>
<p style="text-align: right;">Page 399</p> <p>1 asked about, those were all taken outside of your  2 presence, correct?  3 A. Yes.  4 Q. You were not involved in any subsequent lab exam in  5 the last couple of weeks, right?  6 A. No, I was not.  7 MR. JONES: Okay. Those are all the questions  8 I have.  9 MR. GARDNER: I just have couple really quick.  10 REDIRECT EXAMINATION,  11 QUESTIONS BY MR. GARDNER:  12 Q. Chapter 18 in NFPA 921, either Edition 17 or 21, is  13 entitled Origin Determination, isn't it?  14 A. Uh-huh. Yes, sir.  15 Q. And there's an introductory Paragraph 818.1. I'm  16 sure you've read it many times, haven't you?  17 A. I haven't totally read the '21 book at this point.  18 But --  19 Q. I'm --  20 A. -- '17 I have.  21 Q. Seventeen, okay.  22 I'm gonna read this, and tell me if you agree  23 with it. Quote, The point of origin is defined as  24 the exact physical location within the area of  25 origin where a heat source and the fuel interact,</p>	<p style="text-align: right;">Page 401</p> <p>1 Because most of it was noncombustible material.  2 Wasn't wood, which usually chars. You cannot  3 measure char on metal.  4 Q. Did you measure any of the char on the wood that  5 you have told us you think might have been one of  6 the things that combusted during this --  7 A. No, I did not measure any char.  8 Q. So did you not do a depth-of-char analysis,  9 correct?  10 A. No, I did not.  11 Q. Mr. Jones asked you some questions about how many  12 fire scene investigations you've done. I think you  13 said roughly 2,500?  14 A. Yes, close.  15 Q. And you've written in excess of four -- 1,400  16 cause-and-origin reports, right?  17 A. Yes.  18 Q. Okay. How many of those investigations or reports  19 involved as -- as a cause or origin of the fire a  20 closed infrared tube heater, besides this case?  21 A. I've only had one other fire that involved the  22 infrared. I don't know whether -- it was not  23 really totally closed, but it was a heater that  24 caused the fire in a -- a garage --  25 Q. What year?</p>

<p style="text-align: right;">Page 402</p> <p>1 A. -- workshop garage, so to speak. I don't know when  2 that was. It has been a -- a long time ago.  3 Q. So it wasn't at -- wasn't it -- if it was a long  4 time ago, are we talking about one of those styled  5 like the Mo -- preexisting Modine heaters as  6 opposed to a closed infrared --  7 A. When they -- when it first came out, the tube  8 heater, this particular tube heater was actually  9 installed too close to combustibles, which was what  10 the -- the findings of the -- of the fire was.  11 Q. That's not your opinion in this case.  12 A. No, it's not.  13 Q. Okay. There -- you probably remember seeing in the  14 Space-Ray installation manual a couple of pages  15 about distance requirements? In other words, where  16 my -- my client's installer should locate the three  17 Space-Ray heaters in -- inside of building number 1  18 relative to the height from the floor, the space  19 between the top of the heater deflector shields in  20 the ceiling and the side walls.  21 A. Yes --  22 Q. You remember reading that?  23 A. -- there is.  24 Q. You have no basis to contradict that my client  25 followed those distance spacings as recommended by</p>	<p style="text-align: right;">Page 404</p> <p>1 made me think of it.  2 But you did not, and neither did Rimkus,  3 process the store -- the area of the storage room  4 in the most extreme south end of the building  5 number 1 shown on Defendants' Exhibit Z-2 -- Z-2,  6 correct?  7 A. We didn't --  8 MR. JONES: Objection to form.  9 MR. GARDNER: You didn't process that --  10 MR. JONES: You can answer.  11 MR. GARDNER: -- as part of the space.  12 THE WITNESS: We did not process that --  13 process that area. And no one present at the scene  14 requested that area be processed.  15 QUESTIONS BY MR. GARDNER:  16 Q. Based on your memory, huh?  17 A. No. I mean, that's -- that was for facts. That's  18 not just my memory.  19 MR. GARDNER: That's all I've got.  20 QUESTIONS BY MR. HEHNER:  21 Q. Have there -- sir, have there been investigations  22 where you could not determine the origin of the  23 fire?  24 A. Yes. There has been information --  25 Q. Have -- have there been investigations where you</p>
<p style="text-align: right;">Page 403</p> <p>1 the manufacturer to combustibles, do you?  2 A. I don't have any reason to --  3 Q. Okay.  4 A. -- dispute that, no.  5 Q. How many of your in excess of 1400 cause-and-origin  6 expert reports involved noncombustible water-based  7 paint --  8 MR. JONES: Objection to foundation.  9 QUESTIONS BY MR. GARDNER:  10 Q. -- as a -- as a fuel source?  11 A. I've had several -- not -- as for as the paint?  12 I -- I don't know that it actual being water based  13 necessarily. I can't -- I can't generally say that  14 anything water based has been related to a fire  15 cause and a fire spread.  16 Q. So, in other words, in the 2500 investigations  17 and -- and in the in excess of 1400  18 cause-and-origin reports, you've never determined,  19 other than in this case, that one of the  20 combustible fuels was dry water-based paint, have  21 you?  22 A. I have not. And that's based on the -- on the  23 facts that I came -- came on as for as the  24 paperwork and the manufacturer's statements.  25 Q. If I asked you this earlier, I apologize. Thomas</p>	<p style="text-align: right;">Page 405</p> <p>1 could not determine the cause of the fire?  2 A. Yes.  3 Q. Is it common?  4 A. Fairly common --  5 Q. Okay.  6 A. -- yes. It's not always common. But it's -- it's  7 something that, obviously, if you come up with a  8 couple of -- of hypotheses that you can't really  9 rule out either one without a certain -- certain  10 degree of certainty, I guess you could say, then  11 you would have to list it as an undetermined fire,  12 which is no longer obviously being utilized by  13 NFPA. But --  14 Q. This may not be possible. But is there -- can you  15 give me a percentage? Is it half the time? Is  16 it -- is it 25 percent of the time? Is it -- do  17 you have an opinion?  18 A. I think in -- in the past it probably was about  19 half the time.  20 Q. All right.  21 A. But now it's becoming more -- less than that  22 because of the fact -- because of videos and things  23 like that. And a lot of -- a lot of fires anymore  24 are basically -- almost video is a good thing. So  25 it's be -- we get surveillance videos, security</p>

<p style="text-align: right;">Page 406</p> <p>1 videos, and things like that.</p> <p>2 MR. HEHNER: That's all I have. Thank you</p> <p>3 very much.</p> <p>4 MR. JONES: Good?</p> <p>5 MR. HEHNER: Anybody else?</p> <p>6 MR. JONES: I'm good.</p> <p>7 MR. HEHNER: Off the record. We done?</p> <p>8 MR. GARDNER: Yeah.</p> <p>9 MR. JONES: Good.</p> <p>10 THE VIDEOGRAPHER: This ends media six and</p> <p>11 concludes the deposition. The local time is</p> <p>12 6:39 p.m. We are off the record.</p> <p>13 (A discussion was held off the record.)</p> <p>14 THE STENOGRAPHIC REPORTER: Do you want</p> <p>15 signature?</p> <p>16 MR. JONES: We do, yes.</p> <p>17 THE STENOGRAPHIC REPORTER: And your orders.</p> <p>18 MR. HEHNER: Electronic for me with -- with</p> <p>19 exhibits.</p> <p>20 THE STENOGRAPHIC REPORTER: Same?</p> <p>21 THE VIDEOGRAPHER: Similarly I need to know</p> <p>22 wants videos.</p> <p>23 MR. HEHNER: I'm sor -- I do not want a video.</p> <p>24 I don't know who does.</p> <p>25 MR. JONES: I'll get back to you.</p>	<p style="text-align: right;">Page 408</p> <p>1 STATE OF INDIANA )</p> <p>2 ) SS:</p> <p>3 COUNTY OF HAMILTON )</p> <p>4</p> <p>5 I, Lisa C. Pierce, a Notary Public in and for</p> <p>6 the County of Hamilton, State of Indiana at large,</p> <p>7 do hereby certify that JAMES P. FOSTER, CFI, CFEI,</p> <p>8 CVFI, the deponent herein, was by me first duly</p> <p>9 sworn to tell the truth, the whole truth, and</p> <p>10 nothing but the truth in the aforementioned matter;</p> <p>11 That the foregoing video deposition was taken</p> <p>12 on behalf of the Defendants at Lewis Kappes, One</p> <p>13 American Square, Suite 2500, Indianapolis, Marion</p> <p>14 County, Indiana, on January 24, 2023, commencing at</p> <p>15 the hour of 11:16 a.m., pursuant to Rules of</p> <p>16 Applicable Procedure;</p> <p>17 That said video deposition was taken down in</p> <p>18 stenographic notes and afterwards reduced to</p> <p>19 typewriting under my direction, and that the</p> <p>20 typewritten transcript is a true record of the</p> <p>21 testimony given by said deponent; and thereafter</p> <p>22 presented to said deponent for his signature;</p> <p>23 That the parties were represented by their</p> <p>24 aforementioned counsel.</p> <p>25 I do further certify that I am a disinterested</p>
<p style="text-align: right;">Page 407</p> <p>1 THE VIDEOGRAPHER: You have a card.</p> <p>2 MR. JONES: Yeah. So no for now.</p> <p>3 MR. GARDNER: I have to get back to you too.</p> <p>4 THE VIDEOGRAPHER: You've got my card, and it</p> <p>5 has the case number when you call to order.</p> <p>6 THE STENOGRAPHIC REPORTER: And you want</p> <p>7 electronic, Marty?</p> <p>8 MR. GARDNER: Yes.</p> <p>9 MR. JONES: Same.</p> <p>10</p> <p>11 AND FURTHER DEPONENT SAITH NOT.</p> <p>12 (6:42 p.m.)</p> <p>13</p> <p>14</p> <p>15 JAMES P. FOSTER, CFI, CFEI, CVFI</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 409</p> <p>1 person in this cause of action; that I am not a</p> <p>2 relative or attorney of any party, or otherwise</p> <p>3 interested in the event of this action, and am not</p> <p>4 in the employ of the attorneys for any party.</p> <p>5 IN WITNESS WHEREOF, I have hereunto set my</p> <p>6 hand and affixed my notarial seal this 1st day of</p> <p>7 February, 2023.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 </p> <p>13 NOTARY PUBLIC</p> <p>14</p> <p>15</p> <p>16 My Commission Expires:</p> <p>17 March 14, 2029</p> <p>18 County of Residence:</p> <p>19 Hamilton</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 410</p> <p>1 Thomas Jones, Esq.  2 tjones@lewiskappes.com  3 February 1, 2023  4 RE: Republic Services Of Indiana Limited Partnership v. Coe  5 1/24/2023, James P. Foster , CFI, CFEI, CVFI (#5675427)  6 The above-referenced transcript is available for  7 review.  8 Within the applicable timeframe, the witness should  9 read the testimony to verify its accuracy. If there are  10 any changes, the witness should note those with the  11 reason, on the attached Errata Sheet.  12 The witness should sign the Acknowledgment of  13 Deponent and Errata and return to the deposing attorney.  14 Copies should be sent to all counsel, and to Veritext at  15 erratas-cs@veritext.com  16  17 Return completed errata within 30 days from  18 receipt of testimony.  19 If the witness fails to do so within the time  20 allotted, the transcript may be used as if signed.  21  22 Yours,  23 Veritext Legal Solutions  24  25</p>	<p style="text-align: right;">Page 412</p> <p>1 Republic Services Of Indiana Limited Partnership v. Coe Heating  2 James P. Foster , CFI, CFEI, CVFI (#5675427)  3 ACKNOWLEDGEMENT OF DEPONENT  4 I, James P. Foster , CFI, CFEI, CVFI, do hereby declare that I  5 have read the foregoing transcript, I have made any  6 corrections, additions, or changes I deemed necessary as  7 noted above to be appended hereto, and that the same is  8 a true, correct and complete transcript of the testimony  9 given by me.  10  11 _____  12 James P. Foster , CFI, CFEI, CVFI Date  13 *If notary is required  14 SUBSCRIBED AND SWORN TO BEFORE ME THIS  15 _____ DAY OF _____, 20____.  16  17  18 _____  19 NOTARY PUBLIC  20  21  22  23  24  25</p>
<p style="text-align: right;">Page 411</p> <p>1 Republic Services Of Indiana Limited Partnership v. Coe Heating  2 James P. Foster , CFI, CFEI, CVFI (#5675427)  3 E R R A T A S H E E T  4 PAGE____ LINE____ CHANGE_____  5 _____  6 REASON_____  7 PAGE____ LINE____ CHANGE_____  8 _____  9 REASON_____  10 PAGE____ LINE____ CHANGE_____  11 _____  12 REASON_____  13 PAGE____ LINE____ CHANGE_____  14 _____  15 REASON_____  16 PAGE____ LINE____ CHANGE_____  17 _____  18 REASON_____  19 PAGE____ LINE____ CHANGE_____  20 _____  21 REASON_____  22 _____  23 _____  24 James P. Foster , CFI, CFEI, CVFI Date  25</p>	



[&amp; - 18th]

Page 1

<b>&amp;</b>	217:11 222:1	291:20 292:15	<b>12:52</b> 84:14
<b>&amp;</b> 1:7 2:10,15 5:13,17 6:5 83:11	232:20 264:13 265:22 267:16 272:10,17 274:5 277:17 279:19 280:4 294:20 313:8 316:8 333:1 402:17 404:5 410:3	294:12 297:3 297:21 304:2 305:1 307:17 309:3 311:14 353:9,25 364:18 373:4 373:11 <b>11</b> 158:16 184:10 265:25 266:13	<b>13</b> 263:18 321:4 352:17 <b>137</b> 4:5 <b>14</b> 36:20 128:11 175:7 175:11,17 259:24 409:16 <b>14,000</b> 7:19 <b>140</b> 230:8,11,11 230:19
<b>0</b>			
<b>00108</b> 1:3 5:16 <b>00632</b> 306:20 309:22			
<b>1</b>	<b>1,000</b> 88:18 89:14 <b>1,400</b> 401:15 <b>1/24/2023</b> 410:5 <b>10</b> 134:9 135:2 158:4 235:12 235:18 239:12 290:11,20 305:18 323:9 <b>100</b> 207:10 337:2,3,8,24 338:2,6 <b>101</b> 333:4,10 334:19 337:11 <b>1033</b> 70:2,8 92:3 <b>10:00</b> 60:22 <b>10:50</b> 183:7 <b>10th</b> 62:24 63:2 77:23,24 78:5 78:12,13,19 113:10,12 148:2,4 238:23 270:3 291:6,11	<b>112</b> 341:25 342:1 <b>114</b> 342:10,19 <b>115</b> 342:25 <b>116</b> 319:24 345:7 <b>117</b> 2:11 345:3 345:15 346:5 <b>11:00</b> 44:8,15 <b>11:01</b> 44:17 <b>11:16</b> 1:20 5:1 5:4 408:15 <b>11th</b> 313:16 <b>12</b> 138:3 306:21 320:16 346:1 <b>123</b> 16:10 <b>124</b> 347:24 348:6 352:9,14 <b>125</b> 352:20 <b>127</b> 353:11 <b>128</b> 353:18 <b>12:41</b> 84:10	<b>1400</b> 36:12 37:8 204:18,21 255:20 403:5 403:17 <b>15</b> 4:15 175:12 175:17 280:1 <b>150</b> 87:20 88:1 89:16 <b>16</b> 11:24 239:23 241:4 331:4,14 333:14,18,21 342:4 <b>17</b> 94:11 278:24,25 399:12,20 <b>17.3.1.1.</b> 206:11 <b>18</b> 12:4 36:24 241:17 374:18 399:12 <b>18.4.6</b> 374:19 <b>188</b> 4:11 <b>18th</b> 39:20 72:25 73:5,23
<b>1</b> 34:24 55:9 56:7 57:21,22 58:6,21 59:10 59:18 60:5,12 62:5 63:4 64:2 64:18 72:24 76:23 107:10 107:15 113:4 113:17 114:12 116:13 138:3 147:4,10 152:22 154:10 156:1 158:25 159:21,23 160:22 161:10 162:6 163:13 163:20 164:13 165:10 166:2 167:15,22 168:4,5,14 169:3 176:4 178:7 179:18 181:1 195:25 198:19 212:9 216:5,10,21			

[18th - 20th]

Page 2

74:7 93:8 121:6 126:24 198:19 355:20 <b>19</b> 36:21 244:19 245:23 <b>1933</b> 69:24 <b>195</b> 87:12 90:24 <b>1955</b> 7:7 <b>1965</b> 183:1 <b>1979</b> 36:25 37:5 70:15,21 70:25 <b>19th</b> 26:15 44:6 44:16 60:6,12 60:17,19 62:5 64:3 71:12 76:21 90:22 106:24 159:1 176:5 190:9 191:1 231:7 232:20 373:10 <b>1:00</b> 45:24 <b>1:21</b> 1:3 5:16 <b>1st</b> 409:6	171:7 189:7,9 214:13 215:14 218:1 267:5,16 277:10 278:5,9 278:11 279:14 291:23 316:8 321:22 324:16 404:5,5 <b>2,000</b> 338:17 389:18 <b>2,500</b> 401:13 <b>20</b> 4:6,7 44:6 53:8 184:4 234:8 246:16 412:15 <b>2000</b> 11:22 17:14 36:20 <b>2014</b> 4:14 <b>2016</b> 12:9 <b>2017</b> 93:4,13 374:2,15 395:21 <b>2018</b> 9:15 12:3 12:6 38:24 85:1,2 <b>2019</b> 4:12 22:7 22:8 26:17 39:17,24 44:16 45:22 48:14 51:11 52:12 53:9,22 55:15 57:20 59:17 60:6,13,17 62:6,24 63:2,2 64:3 66:17	67:18 68:6 69:9 71:13 74:16 77:24 78:5,12,19 80:13 87:11 90:4,23 93:4 106:24 113:12 121:6 126:14 127:13 147:5 148:3,4,5 159:1 176:5 190:8,10 191:1 194:11 198:19 201:18 231:7 232:20 238:23 243:18 270:3 283:9 290:11 290:20 291:6 291:11,20 292:16 294:12 297:3,21 304:2 305:1 307:17 309:3 311:14 323:9 353:9,25 364:18 373:4,4 374:11 <b>2020</b> 9:15,17,20 9:21 10:14,18 14:8 17:15 18:15 77:17,19 85:20 132:15 133:23,24 134:7 135:3,9 138:6,16 148:2 160:6,15 161:7	169:17 180:10 181:14 182:13 266:13 299:6 300:17 313:18 315:17 321:23 324:17 <b>2021</b> 7:15 9:12 93:8,11 374:8 395:22 <b>2022</b> 4:15,17 10:20 11:3 22:8 39:21 72:25 74:7 93:8 126:24 165:4 203:10 262:1 283:10 341:14 355:21 364:6 366:20 367:1 368:24 370:8,15 371:22 374:14 383:15 <b>2023</b> 1:19 5:2,4 408:14 409:7 410:3 <b>2029</b> 409:16 <b>20th</b> 44:6,7,10 44:22 45:21 48:14 51:10 52:12 53:22 55:15 57:20 59:17 63:2 68:25 69:9 75:13 76:21 87:11 147:4,19
<b>2</b>			
<b>2</b> 2:11 4:5 54:19,25 55:9 56:18 57:4,15 73:2 76:22 116:13 126:15 127:8 139:1,1 139:13 140:8,9 152:22 153:19 169:14 170:6			

[20th - 5]

Page 3

373:4	<b>3</b>	<b>321</b> 4:19	316:8 318:2
<b>21</b> 70:7 101:13	<b>3</b> 4:4,12 44:17	<b>324</b> 4:19	355:21 356:6,7
399:12,17	47:13 48:11	<b>325</b> 4:20	357:10 364:20
<b>211</b> 4:16	50:20 52:3	<b>34</b> 4:11	<b>4.5</b> 251:24
<b>21173</b> 409:12	55:9 56:2,6,12	<b>341</b> 4:20	<b>4.5.2.</b> 254:21
<b>22</b> 73:6,24 91:3	56:14 117:2	<b>351</b> 4:12	<b>4.5.3</b> 255:10
91:5,10 94:11	126:15 143:2	<b>36</b> 262:3,5	260:18
263:17 368:21	152:22 159:23	<b>384</b> 3:4	<b>404</b> 3:7
<b>225</b> 2:15 87:23	173:18 198:8	<b>389</b> 3:5	<b>43</b> 128:12
<b>235</b> 4:16	202:5 243:17	<b>399</b> 3:7	190:9,11 191:3
<b>24</b> 1:19 5:2	265:24 268:1	<b>3:00</b> 45:23	193:15,20
177:6 178:18	277:11,17	50:14 51:8	196:1 230:12
179:11 182:4	278:4,24 313:9	52:12	<b>44</b> 11:18 12:14
194:14 258:10	322:1 350:10	<b>3:59</b> 270:11	389:19
408:14	350:12 358:18	<b>3rd</b> 39:17,24	<b>46077</b> 7:9
<b>248</b> 4:17	<b>3,000</b> 228:17,19	67:18 68:6	<b>46204-2137</b>
<b>24th</b> 5:4	<b>3.3.131</b> 105:1	71:14,16 74:16	2:16
<b>25</b> 89:10,18	<b>3.3.42</b> 97:23	77:17 90:4	<b>46282</b> 2:5 5:18
171:3 405:16	<b>3.3.58</b> 99:21	93:3 126:14	<b>46530</b> 2:12
<b>25,000</b> 85:15	<b>3.3.80</b> 101:19	127:13,25	<b>47</b> 4:4 194:5
<b>2500</b> 1:17 2:5	<b>3.3.95</b> 101:7	132:15 134:7	233:2 234:11
389:18 403:16	<b>30</b> 195:15	135:9 138:5,16	<b>48</b> 277:5,6,6
408:13	221:17 278:20	160:6,15 161:6	<b>4:00</b> 46:13
<b>26</b> 353:1	279:23 410:17	169:17 180:10	48:13 50:14
<b>270</b> 4:13	<b>311</b> 4:17	181:14 182:13	111:14
<b>271</b> 4:14,14	<b>315</b> 4:18	184:4 201:18	<b>4:13</b> 270:14
<b>276</b> 4:15	<b>317</b> 4:18	202:24 243:18	<b>4th</b> 133:23
<b>28</b> 194:7	<b>317.639.1210</b>	315:18	190:8 194:11
271:13	2:6	<b>4</b>	315:17 324:16
<b>281</b> 4:15	<b>317.639.4882</b>	<b>4</b> 55:9 56:2,6	<b>5</b>
<b>2:33</b> 189:2	2:6	56:12,14	<b>5</b> 184:1,14
<b>2:45</b> 189:5	<b>31st</b> 262:1	152:22 182:12	278:25 290:6
	263:17	198:8 218:14	294:7,10 296:1
	<b>32</b> 7:18 270:18	277:17 280:1	297:21 299:19
		282:3 283:19	300:12 315:21

[5 - able]

Page 4

<p>315:24 316:8  <b>5-10</b> 291:9,10  <b>50</b> 88:3 233:22  234:11,15  253:14  <b>50s</b> 45:14  <b>51</b> 204:10,12  251:21 253:16  <b>54</b> 4:5  <b>55</b> 168:25  169:4,11  240:14  <b>5675427</b> 410:5  411:2 412:2  <b>574.233.6035</b>  2:12  <b>59</b> 263:17  <b>5:10</b> 328:4  <b>5:14</b> 328:8  <b>5:55</b> 370:1</p>	<p><b>602</b> 310:17  <b>603</b> 303:10  304:4 305:13  305:17 307:10  310:14,18,19  345:24 346:18  <b>6224</b> 282:12  <b>6231</b> 4:15  <b>632</b> 305:9,12  306:1,8 307:10  310:12 346:2  347:2,20  <b>6624965</b> 4:10  <b>67</b> 4:12 7:5  <b>6:05</b> 370:4  <b>6:39</b> 406:12  <b>6:42</b> 407:12  <b>6th</b> 133:24  135:3 299:6  300:17 321:23</p>	<p><b>7850</b> 7:9  <b>79</b> 395:7</p>	<p>251:24 253:9  254:21 260:18  261:17 293:8  293:13 302:21  316:17 344:1,4  373:24 394:17  394:20,25  395:7,15  399:12  <b>93</b> 329:15,16  <b>94</b> 325:15  327:23 328:10  330:12 331:22  <b>96</b> 332:6  <b>97</b> 331:23  332:1,2,5,10  <b>98</b> 332:14  <b>99</b> 329:19  332:21  <b>9f</b> 94:18</p>
<b>6</b>	<b>7</b>	<b>8</b>	<b>a</b>
<p><b>6</b> 3:3 220:4  221:17 234:18  290:19,25  291:1,2 292:9  294:7 297:16  298:19 299:25  300:12 316:14  318:10 323:13  366:13 368:24  <b>6-189.9</b> 4:14  <b>60</b> 172:18,18,24  233:9 264:13  278:20 279:24  306:1</p>	<p><b>7</b> 4:11 34:24  90:21 184:20  185:19 186:17  290:24 300:16  318:13 324:3  361:1,3 362:16  363:11 364:4  364:22 366:13  397:19 398:13  <b>7-3</b> 7:7  <b>70</b> 172:15  <b>72</b> 4:4  <b>75</b> 172:15  233:9,16</p>	<p><b>8</b> 318:20 319:9  320:1  <b>812.382.8559</b>  2:16  <b>818.1.</b> 399:15  <b>86</b> 338:9  <b>87</b> 4:10  <b>88</b> 337:7,9,14  337:22,23  338:2,3,4,8,11</p>	<p><b>9</b> 60:17 70:8  72:24 94:18  146:13 155:12  282:14 303:6  304:5 307:8  320:7 324:2,6  324:8 325:1,3  <b>9-1-1</b> 153:2  154:1  <b>90</b> 144:22  <b>921</b> 66:23  67:14 69:25  70:8 81:2 82:2  82:21 91:23  92:14 93:9,12  94:18,23 95:6  95:10,15 96:9  97:5,8,23 99:4  99:21 100:17  101:7,18 105:1</p>
			<p><b>a.m.</b> 1:20 5:1,4  408:15  <b>aa</b> 4:16 211:3,4  211:5,7,10  212:6 213:7  214:13 215:14  218:14 234:18  <b>abbreviation</b>  299:11  <b>ability</b> 13:22  <b>able</b> 30:4 32:3  43:3 50:1  61:21 63:12  69:1 102:15</p>

[able - agree]

Page 5

111:6 198:22 238:1 260:21 267:23 272:20 274:22 398:6 <b>above</b> 174:2,11 175:2,3,3 215:22 280:12 410:6 412:7 <b>acc</b> 27:20 <b>accept</b> 383:25 <b>acceptable</b> 260:22 <b>access</b> 22:23 27:20 63:22 275:16,18,20 <b>accidentally</b> 202:19 <b>accommodate</b> 13:18 <b>account</b> 199:1 235:1 239:13 <b>accumulate</b> 224:24 <b>accumulated</b> 128:17 221:7 289:9 <b>accumulating</b> 144:25 <b>accuracy</b> 109:16 410:9 <b>accurate</b> 70:3 185:11 <b>accurately</b> 138:14	<b>acetylene</b> 59:18 59:21 60:4 225:7,16 226:24 228:12 234:22 <b>acknowledge...</b> 412:3 <b>acknowledg...</b> 410:12 <b>across</b> 152:10 <b>act</b> 284:10 <b>action</b> 5:22 409:1,3 <b>activated</b> 232:21 376:4 <b>active</b> 374:5 <b>activities</b> 55:16 66:25 314:5 <b>actual</b> 143:24 249:5 403:12 <b>actually</b> 11:20 16:25 37:9 43:17 44:8 45:23 49:5 50:3 51:22 64:8 71:12 85:15 86:2,23 87:2 94:2 118:4,6 121:17 128:20 133:4 143:4 156:16 182:5 193:25 200:11 204:13 217:9 222:9 225:25 233:18	284:10,18 299:25 301:22 304:14 305:14 333:2 334:4 377:18 385:10 387:13,15 395:7,22 396:18 402:8 <b>add</b> 135:21 251:4 258:1 <b>addition</b> 327:22 <b>additional</b> 63:11 73:6,13 73:17 74:12 85:15 86:2 127:23 134:16 191:7 322:21 390:14 <b>additions</b> 412:6 <b>additives</b> 229:22 <b>address</b> 7:8,8 7:17 16:10 53:14 68:6,15 68:16,17 <b>addressed</b> 254:5 <b>adequately</b> 363:1 <b>adhered</b> 122:24 125:3 <b>adjuster</b> 29:3 <b>adopted</b> 80:24	<b>advised</b> 76:10 77:3 79:25 <b>aerial</b> 4:4,5 <b>affect</b> 13:22 175:24 176:1 179:6 256:11 309:16 382:19 <b>affected</b> 207:8 209:10 382:15 <b>affects</b> 177:2 <b>affiliations</b> 6:2 <b>affixed</b> 409:6 <b>aforemention...</b> 408:10,24 <b>afternoon</b> 45:23 46:13 51:9 <b>afterthought</b> 386:9 <b>ago</b> 11:7,14,15 11:19 14:1,17 16:6,13 21:10 28:17 303:7 389:21 402:2,4 <b>agosti</b> 22:3,4 25:18 395:19 <b>agosti's</b> 22:11 23:9 49:11 390:18 <b>agotti</b> 22:1 <b>agree</b> 5:9 69:23 96:9 97:4,8 98:10 99:3,21 101:2,6,18,25 103:3 104:2
---	--	---	---

[agree - anybody]

Page 6

105:5 110:13 110:17,23 128:1 163:8 173:22 205:3 205:16,22,24 206:7,24 207:2 252:16 253:1 254:24,25 255:3,13,23 256:1 313:8 359:2 375:1,6 375:12 391:23 399:22 400:2,3 400:7,13 <b>agreed</b> 309:19 <b>agreement</b> 119:6 <b>agrees</b> 100:3,5 100:13,23 <b>ahead</b> 53:19 61:12 62:16,17 63:9 68:22 72:22 125:22 198:7 209:19 227:18 237:23 308:14 309:19 322:18,22,25 329:10 344:18 350:19 365:14 378:23 386:19 <b>aiming</b> 214:15 <b>air</b> 1:7 5:14 6:5 64:12 76:8 83:12 96:23 120:20 128:11	141:10 144:23 159:13 168:3,4 168:5,9,10,15 176:16 180:20 181:22 195:19 196:2,5,6 197:3,9,12,16 198:16 199:17 231:2 259:24 <b>airless</b> 159:6,10 178:20 <b>airport</b> 7:21 233:4 <b>aisle</b> 47:4 <b>al</b> 5:14 <b>alerted</b> 152:12 <b>alleged</b> 139:15 <b>allegedly</b> 212:20 <b>allotted</b> 410:20 <b>allow</b> 176:20 259:23 398:14 398:15 <b>allowed</b> 38:18 137:9 191:17 <b>allows</b> 195:8 <b>alternate</b> 110:18 <b>alternative</b> 74:24 <b>alternator</b> 294:1 <b>amended</b> 4:6,7 20:9	<b>american</b> 1:17 2:4 408:13 <b>amount</b> 69:2,5 89:13 133:3 138:21 186:18 <b>amounted</b> 378:5 <b>amounts</b> 138:23 <b>analy</b> 400:16 <b>analysis</b> 98:7 101:21 110:20 252:12 374:19 374:22,25 375:16 400:17 401:8 <b>analyzed</b> 127:24 <b>ang</b> 179:3 <b>angle</b> 320:23 <b>answer</b> 12:25 13:18 32:11 55:16 57:6 82:3,8 89:3 94:6 95:24 102:19 104:1 108:15 111:9 153:11 227:16 233:8,10 238:3 248:6 254:17 263:8,11 264:10 273:20 287:3,4 296:6 310:14 317:1 336:19 340:13	341:8 365:7 367:12,21 378:21 379:17 382:1 384:19 385:18 391:10 391:11 404:10 <b>answer's</b> 13:4 <b>answered</b> 56:14 154:13 188:20 213:3 213:24 232:3 244:3,6 254:15 259:10 262:24 274:10 287:7 287:11 289:25 330:16 347:22 355:5 377:5 379:25 380:1 391:13 397:4 397:10 <b>answering</b> 82:4 93:20 102:20 354:22 367:19 367:20 <b>answers</b> 82:5 347:4 379:18 384:8,20 <b>anti</b> 343:12 <b>anticipated</b> 312:24 <b>anybody</b> 26:7 48:16 52:7 78:7 115:8,23 183:15 187:11 202:3,4 225:3
--	---	---	---



[anybody - asked]

Page 7

<p>225:7 245:9,10 390:24 406:5 <b>anymore</b> 35:11 83:5 125:5 368:25 405:23 <b>anytime</b> 284:15 <b>anyway</b> 210:1 272:11 276:19 <b>apart</b> 330:25 <b>apologize</b> 24:2 42:22 54:18 57:16 69:20 91:10 143:9,16 149:13 158:2 246:24 259:3 276:16 307:8 313:21 403:25 <b>apparently</b> 39:3 143:8 202:23 211:23 <b>appear</b> 33:4,7 50:21 138:7 360:13 <b>appearance</b> 5:25 <b>appearances</b> 6:1 19:23 96:11 <b>appeared</b> 263:4 <b>appears</b> 139:7 141:2,2 161:2 215:21 217:4 291:22 318:8 319:1 321:8 325:10</p>	<p><b>appended</b> 412:7 <b>applicable</b> 1:20 408:16 410:8 <b>application</b> 252:14 <b>applied</b> 94:15 109:7 247:13 <b>appreciate</b> 20:14 <b>approach</b> 91:21 <b>appropriate</b> 110:20 273:15 314:6 <b>approval</b> 299:12,13 <b>approve</b> 299:10 <b>approved</b> 299:15,18 <b>approximately</b> 13:25 17:11 48:13 58:4 66:15 68:20 88:18 111:21 <b>arc</b> 375:16,17 <b>architectural</b> 206:15 <b>area</b> 15:13 31:25 32:3 47:24 48:2,5 56:19 58:17 76:11 95:10,13 111:14 112:5 116:23,24</p>	<p>117:11 131:9 133:10,11 139:18,19 140:23 180:23 181:6,6 201:11 207:9 209:12 223:21 226:9 239:16,16,17 241:14 242:24 243:1 245:6,9 245:10,13,16 245:18 246:4 246:14 250:5 295:14 303:24 305:14 306:7 310:4 320:13 327:9,10,12 330:23,23 335:22 346:25 347:8 361:8 362:8 365:1,21 369:3 375:5 379:7 381:7 387:21,22 393:3 399:24 404:3,13,14 <b>areas</b> 86:5 98:17 121:16 170:2 201:12 217:8,10 236:24 237:12 238:17 251:9 309:17 327:7 327:11 369:5 379:13,15</p>	<p><b>argino</b> 115:2 <b>arizona</b> 68:14 <b>aromatic</b> 126:7 126:10,11 223:23 <b>aromic</b> 126:7 <b>arrival</b> 43:19 <b>arrived</b> 50:8,12 51:2 52:11 <b>arson</b> 19:19 <b>art</b> 395:20 <b>aside</b> 25:20,21 36:3 75:7 89:17 314:4,7 <b>asked</b> 9:3 28:25 32:17 48:25 49:2 50:2 51:5 70:20 74:5 75:14 83:8 92:6 103:9,10 114:7,8,8 132:16 154:12 186:11 187:13 187:15 188:20 212:11,16 213:3,23 232:3 244:3,6 246:10 254:15 259:9 262:24 274:9 279:16 289:24 313:5 330:15 340:16 347:22 355:5 357:20 367:5,15,16,17 377:4 379:25</p>
---	---	--	--

[asked - b]

Page 8

<p>386:10 391:12 397:4,10,23 399:1 401:11 403:25 <b>asking</b> 22:13 41:13,13 60:25 82:7 88:19 92:11 95:19,20 95:20,21 100:2 100:3,5,12,23 103:4,7 136:7 136:16 191:20 192:21 284:23 287:5 292:8,8 310:1 314:7 325:25 335:8 337:22 351:13 351:21 368:2 371:16,16 372:7 376:20 378:1 <b>aspect</b> 9:8 62:11 107:6 124:2 185:3 187:5 254:6,8 286:18 302:7 <b>aspects</b> 111:9 <b>asphalt</b> 165:24 166:1,1,6 <b>assemblies</b> 222:6 <b>assembly</b> 304:10,13 306:4,19 312:18 334:10</p>	<p>367:6 <b>assessing</b> 252:10 <b>assignment</b> 68:21 <b>assist</b> 281:22 <b>assisted</b> 120:14 <b>associated</b> 75:3 129:8 <b>associates</b> 21:25 <b>association</b> 91:23 94:18 <b>assume</b> 40:20 80:22 91:2 154:15 164:21 184:16 322:10 330:1 <b>assumed</b> 61:21 75:3 <b>assuming</b> 154:15 174:5 185:6 190:16 193:17 214:20 240:23 288:20 328:17 339:13 350:12 376:2 <b>assure</b> 343:10 <b>attached</b> 20:18 25:17 240:19 410:11 <b>attempt</b> 63:25 285:25 316:5 <b>attempted</b> 123:15 153:1</p>	<p><b>attempts</b> 63:3,6 <b>attend</b> 45:8 114:7,8 <b>attendance</b> 187:8,9 <b>attended</b> 390:7 <b>attention</b> 168:22 270:17 319:9 <b>attest</b> 121:11 121:13 258:23 328:22 329:2 340:3 354:3 <b>attorney</b> 6:3 16:12 17:23 18:3 409:2 410:13 <b>attorney's</b> 17:1 <b>attorneys</b> 27:23 47:9 264:24 367:6 409:4 <b>attributable</b> 136:14 <b>attributed</b> 188:6 <b>audio</b> 5:7 49:17 52:22 65:14 <b>august</b> 366:20 366:24 368:21 370:8,15 371:21 372:9 383:15 <b>automatic</b> 95:2 <b>availability</b> 358:14</p>	<p><b>available</b> 41:11 43:2 62:13,17 77:11 81:6 135:25 202:1 212:11 312:9 344:17 347:13 369:21 386:20 394:22 410:6 <b>avoid</b> 110:13 110:16,17 293:19 <b>avoided</b> 110:4 <b>aware</b> 34:4 107:13 142:7 153:4,7,12,19 153:22,25 160:11 165:17 167:19 193:5,8 231:6,8 317:12 317:18 334:3 <b>awe</b> 175:2</p>
			<b>b</b>
			<p><b>b</b> 1:8 140:13,20 221:17 290:13 290:16 291:20 291:23 292:9 293:3 294:20 297:23 298:14 298:18 301:25 304:11 305:5 308:7 335:24 338:25 339:3 341:3 344:22 348:22 385:5 409:13</p>

[b'laster - believe]

Page 9

<b>b'laster</b> 248:9 249:16,22	<b>base</b> 70:1 146:3 287:22 377:9	207:7 286:10 288:4 321:1	<b>begins</b> 84:13 189:4 270:13
<b>back</b> 16:15 27:25 42:1 45:11 52:20 61:9 62:12 63:14,17,20 73:24,25 76:23 81:7 84:15 132:21 136:23 162:22 167:12 168:14 171:2,2 176:16 177:10 177:12 178:19 194:10 223:8,9 234:18 235:3 238:1 244:19 270:16 322:5 331:2 339:21 340:3,5,9,16,20 340:21,22,24 341:5,15 345:7 351:4 352:8 366:4 386:21 390:22 391:2 392:11 406:25 407:3	<b>based</b> 102:12 108:9 109:16 111:9 113:23 142:16 148:21 173:25 177:25 186:25 199:24 204:24 209:20 227:8 231:11 234:1,2 238:1 244:13 245:5 249:3 255:14 255:15,21 257:18 258:10 265:1 285:15 286:4 288:10 289:13 292:3 384:20 393:10 394:14 403:6 403:12,14,20 403:22 404:16	<b>basing</b> 199:5 201:16 381:24 <b>basis</b> 7:12 9:2 89:23 111:16 174:18 228:24 402:24 <b>bates</b> 23:15,15 24:3,6 303:10 309:22 345:23 346:1 <b>bay</b> 129:22 130:17,24 131:9 138:15 138:16,17 170:2 221:18 379:24 393:7 <b>bays</b> 165:14 <b>bearing</b> 145:12 <b>becoming</b> 133:11,12 405:21	<b>behalf</b> 1:16 285:24,25 322:4 349:13 408:12 <b>belief</b> 124:18 341:1 <b>believe</b> 9:12 17:11,15 34:21 34:22 44:17 45:4 50:16 51:17 58:4 59:12 77:17 78:23,24 79:23 80:13 84:25 130:8 131:5,7 131:8 133:5 157:5 158:13 194:7 195:3 218:7 219:8 230:16 232:12 241:15 244:11 245:6 257:9,11 257:12,20 265:18 270:4 289:9 304:16 315:19 321:9 323:22 329:18 333:23 335:23 356:24 366:17 368:17 370:6 370:11 384:15 387:11,12
<b>bad</b> 129:1 324:24	<b>basic</b> 41:20,21 69:25	<b>bed</b> 106:21	
<b>baked</b> 122:11 237:14 369:11 369:12	<b>basically</b> 8:12 41:18 54:6,15 55:25 85:7 86:17 95:2 96:4,22 106:2 113:2 116:12 122:11,15 125:2,4 145:13 175:1,2 187:5 195:2 200:2,9 200:9,13 201:2	<b>began</b> 11:20 24:3 <b>beginning</b> 6:2 11:21 24:7 88:6 281:15	
<b>barely</b> 165:10			
<b>barrel</b> 239:12			

[believed - bonus]

Page 10

<b>believed</b> 257:21	<b>binders</b> 137:24	179:19 181:15	369:12,12,13
<b>bell</b> 68:7,18	347:25	196:24 199:23	369:16,17
69:18 75:9,11	<b>birth</b> 7:6	200:20 201:1	370:11,14
76:6 118:8,11	<b>bit</b> 13:2 157:8	201:10,11	371:17,22,25
118:12	205:8 261:24	213:15,20	372:8,11,12,15
<b>ben</b> 2:14 6:8	286:17	214:19 215:10	373:8 376:3,10
47:8 54:19	<b>black</b> 352:21	215:15 216:2,3	376:11,16,24
<b>ben's</b> 331:8	<b>blackened</b>	218:24 219:20	377:6,13
<b>beneath</b> 162:1	96:11	221:4,7,11,19	378:13 380:5,7
172:22 321:7	<b>block</b> 7:19	223:22 224:6,7	380:17 382:10
<b>best</b> 13:2,4 32:5	<b>blower</b> 271:10	224:13 225:4,5	382:11 383:17
102:11 128:14	393:17	225:9,21,21	383:19 396:12
128:16 205:18	<b>blowing</b> 195:21	227:2 229:2,11	<b>bluish</b> 56:9
205:22 344:12	231:12 388:9	229:12,21	<b>board</b> 85:9
344:14	<b>blows</b> 180:19	234:19,25	<b>body</b> 205:24
<b>better</b> 200:12	195:14,22	236:18,21,25	<b>bohrer</b> 2:15
255:24	<b>blue</b> 106:12,15	237:3,5 238:4	<b>boil</b> 227:10
<b>beyond</b> 380:11	122:16,23,23	238:5,8,13	<b>boiled</b> 125:2
<b>bias</b> 110:1,2,17	122:23,24	239:11,14	200:3,3 201:4
<b>bid</b> 272:15,19	123:1,16,23	284:4,9 285:18	201:13 226:2,3
274:4,17,20,21	124:9,18,19	285:25 287:16	226:8 227:11
275:19 279:17	125:8,13 126:1	287:16 288:14	227:22 230:4
<b>bids</b> 281:1	128:24 130:10	305:25 306:2,3	286:2 287:20
<b>big</b> 76:24	131:21 132:9	306:7,10,22	288:1,25 289:3
112:20 129:22	133:13,14,22	315:14,14	351:17,25
251:19	135:8,16	325:10 337:12	<b>boiling</b> 124:19
<b>biggest</b> 58:9	138:19 139:2,8	351:9 353:14	200:8,11,11
<b>bill</b> 16:22	139:14,15,15	353:22,25	351:10,14
<b>billable</b> 87:15	140:5,10,23	361:11,14	352:4,6
<b>billed</b> 87:11	141:2,10,25,25	362:17,18,23	<b>boils</b> 124:10,14
<b>billing</b> 62:22	142:2,8,8,22	363:15,23	146:3 251:17
90:20 134:4	143:7,17	364:6,10 365:2	<b>bold</b> 356:13
<b>binder</b> 41:3	145:25 146:18	365:4 367:9	<b>bolts</b> 248:12
157:22 220:6	154:11 164:15	368:3,4,25	<b>bonus</b> 89:11
311:19 350:10	168:25 179:7	369:5,9,11,12	

[bonuses - building]

Page 11

<b>bonuses</b> 89:17	293:24 334:10	168:4	161:12 162:5
<b>book</b> 98:4	371:10,11	<b>broad</b> 14:20	162:17 163:6
101:3 102:2,8	383:12,13,22	<b>broke</b> 370:6	163:13,17,18
102:25 103:8	387:19,20,20	<b>brought</b> 168:3	163:19,20
104:3 157:23	387:23	168:9,10,15	164:13 166:2
253:9 257:24	<b>boxes</b> 118:19	182:20 245:24	167:15,22
394:22,23	118:22,23	335:16 374:17	168:4,5 169:3
395:3,17,22	121:7 146:7	<b>brush</b> 365:25	175:6 176:4
399:17	185:22 200:16	<b>bs</b> 302:12	177:2 178:6,6
<b>bookshelf</b>	219:13,20,23	<b>building</b> 46:15	179:17 181:1
251:5	359:12 383:15	46:18,23,24,25	181:25 183:1
<b>booth</b> 180:23	<b>brand</b> 198:13	51:23,24 52:1	183:12 185:20
180:25 181:4,5	<b>break</b> 13:16	54:7,9,10,10,12	186:24 195:25
251:11	136:19 188:25	54:14 55:20	197:25 198:8
<b>booths</b> 251:9	270:7,16 398:4	56:7 57:4,15	198:19 207:7
<b>bottom</b> 76:24	<b>breakers</b>	57:21,22 58:6	212:9 216:5,10
116:6,12	185:21	58:14,21 59:10	216:10,15,21
138:20 139:10	<b>breaks</b> 13:14	59:18 60:5,12	217:5,8,10,25
155:13 168:21	84:7	62:5 63:4 64:2	218:3 221:14
183:6,9 202:6	<b>brief</b> 84:12	64:18 76:10	222:1 224:25
213:21 215:12	189:3 270:12	106:25 107:10	232:19 243:2
272:24 297:4	328:6 370:2	107:15 112:6	243:13 246:5
326:25 332:8	<b>briefly</b> 212:15	112:14,16	246:13 250:19
333:5 334:18	<b>bright</b> 201:10	113:4,16 114:6	250:23 251:1
364:15,20	201:11 239:14	114:12 128:18	262:10,13,14
366:10 368:23	361:14 362:23	129:17,18,23	262:18 263:21
<b>bottoms</b> 307:6	364:10 369:9	135:21,22	264:1 266:7
<b>bought</b> 183:1	369:11,16	136:24 137:4	269:13 272:10
<b>box</b> 112:10	<b>brightest</b>	141:19,24	272:16 273:11
118:18 119:7	355:16	145:2,12 147:4	274:5,5 277:10
121:19 185:22	<b>brightness</b>	147:6,10	277:11,17,21
194:21 195:12	364:8 398:5	152:22 153:14	278:4 279:19
195:13,13	<b>bring</b> 24:23	153:19 154:10	280:4,10 281:3
199:25 200:25	25:1 57:23	154:17 156:1	376:21 377:3
200:25 219:13	113:19 136:7	157:12 158:25	380:13,15

[building - case]

Page 12

388:15 391:6 402:17 404:4 <b>buildings</b> 46:21 55:17,18 56:2 56:14 197:20 197:21,24 277:17 <b>bulk</b> 374:13 <b>burden</b> 375:8 <b>burn</b> 52:1 285:17,25 377:3 383:22 383:24 <b>burned</b> 51:25 52:1 96:11 239:12 241:9 269:8 377:1 <b>burner</b> 120:24 121:7,17 199:25 200:16 365:10 383:14 383:22 <b>burners</b> 387:13 <b>burning</b> 121:18 151:21 387:15 388:6 <b>burns</b> 230:16 376:6 <b>burnt</b> 96:7 201:14 239:20 <b>business</b> 6:9 7:17 384:6 <b>byproduct</b> 241:7	<b>c</b> <b>c</b> 1:14 2:1 4:10 45:3 87:4,5 90:21 134:4 135:2 154:11 223:18,18 266:1,6,6 290:13,16 291:20,23 292:9 295:7 297:23 298:14 298:22 308:7 316:8,8 326:25 328:19 330:18 331:5,13,25 332:14,23 333:2 335:21 335:24 337:17 338:25 339:4 341:3 344:23 385:5 408:5 409:13 <b>calendar</b> 11:11 12:5 <b>call</b> 6:25 7:3 13:16 21:9 46:2 80:2,14 193:24 317:15 407:5 <b>calle</b> 65:22,24 66:1 156:17,22 172:6 226:23 234:21 <b>called</b> 9:6 15:15 21:12 54:1	64:8 84:24 138:5 154:1,5 220:20 223:4 272:14 275:19 387:19 <b>calling</b> 393:7 <b>calls</b> 154:4 162:24 169:21 170:17 184:24 194:17,25 195:7 230:13 339:24 387:19 <b>camera</b> 48:7,9 363:16 365:15 <b>cans</b> 107:14 169:8 171:15 171:20,21 208:2 223:3,7 246:18 249:15 249:22 267:15 267:22 291:20 292:15,16 293:5 294:8 300:8,9 308:7 311:8,9,13 321:16 322:13 334:24 335:23 338:16,18 339:21,22 340:2,5 341:2 341:16,17 343:22 344:22 354:14,14,16 354:23,25 385:12	<b>capable</b> 97:6,11 <b>capacity</b> 82:16 395:18 <b>carbonaceous</b> 96:10 <b>card</b> 407:1,4 <b>cardboard</b> 219:15,17 <b>cards</b> 385:5,5,5 <b>care</b> 12:23 145:16 <b>career</b> 12:13 18:19,24 36:19 301:11 389:16 <b>careers</b> 6:25 <b>carefully</b> 274:3 284:22 <b>carmel</b> 8:21 390:2 <b>carried</b> 44:11 <b>case</b> 1:3 5:16 6:24 10:15,20 11:1,7 12:17 14:3,7,10,16,21 16:5 17:19 18:6,9 19:18 21:9,20 22:5 22:22,23 25:24 27:23 28:15,20 28:23 29:5,6 29:12,23 31:19 32:20,21 33:8 34:15,18 35:4 35:25 38:3,9 38:13 40:8,15
--	--	---	---



[case - ccmsi]

Page 13

41:1,6,16,19	336:9 344:15	<b>caught</b> 15:14	239:16 240:10
43:1 45:8	348:22 349:13	17:8 72:3,5	241:1 245:21
46:22 47:10	350:15 353:24	199:25 200:24	268:24 276:17
49:15 59:25	360:15,18,22	376:18 380:17	280:18 286:16
60:3 64:9	364:5 390:5,13	381:20	286:20 293:8
68:10 69:19	394:5 395:13	<b>cause</b> 12:17	297:13 308:25
73:7,19,22	396:10,22,25	14:9,11,25	310:9 312:23
87:6,12,15	400:17,20	15:19 19:9,14	326:9 330:2,3
88:7,23 89:1	401:20 402:11	30:2,6 36:12	334:20 350:15
91:20 99:1	403:19 407:5	36:19 37:2,6	350:22 372:17
102:4,5 104:12	<b>cases</b> 10:2,11	38:2 43:14	377:10 379:9
105:11 108:6	10:13,19 19:21	68:22 70:13,13	383:22 384:14
108:12 110:6	19:24 28:2,4	71:17 73:23	388:23 391:2
114:3 117:24	28:12 29:16	74:3,8 75:15	394:10,12,13
123:19 124:17	32:6,9,11,13,15	75:16 76:2,5	394:22 395:25
125:1,7 133:21	36:7 38:1,10	77:10,24 82:2	396:1 400:10
136:1,22	38:15 88:6	83:20 104:22	400:12 401:16
137:10 144:12	89:25 185:17	106:2 108:25	401:19 403:5
150:10 179:9	282:15,15	109:1,15,15	403:15,18
186:16 194:2	315:1 329:8	110:11 111:7	405:1 409:1
195:25 197:2	348:25	114:24 115:19	<b>caused</b> 67:7
204:12 205:11	<b>casting</b> 110:21	117:1,9,16	200:21 247:14
206:13,16,19	<b>catch</b> 62:13	121:13 141:24	320:12 376:4
206:22 207:2,6	90:16,18	144:21 145:25	384:23 401:24
208:14,25	141:12 200:1	148:25 150:9	<b>causes</b> 112:21
216:19 231:6	202:23,24	152:17 155:21	195:2,4
234:21 249:11	203:25 225:21	165:2,7 167:2	<b>cc</b> 4:16 235:17
255:11 256:8	227:3 230:25	170:3 174:23	235:18 239:13
258:3,19 271:6	244:11,18	178:3 186:10	241:4,17
271:20 281:16	380:19	186:11 187:14	244:19 245:23
282:12 283:6	<b>categories</b>	187:15 200:21	245:23 246:16
284:3 285:10	93:18	205:4,21	<b>ccc</b> 235:10,15
286:13 289:5	<b>category</b> 308:2	209:11 231:9	235:16
302:11 307:21	395:23	233:21 234:6	<b>ccmsi</b> 4:10
313:23 329:8		237:12,25	74:19

[ceil - circles]

Page 14

<b>ceil</b> 142:5	380:24 395:17	412:4,12	<b>charred</b> 96:6
<b>ceiling</b> 135:23	405:9,9	<b>chain</b> 299:19	185:21
139:3 140:4,5	<b>certainly</b>	299:19	<b>charring</b>
140:11 141:6	190:21	<b>chance</b> 390:20	364:23
143:14 152:2	<b>certainty</b> 15:7	<b>change</b> 36:16	<b>chars</b> 401:2
179:19,20	15:25 16:1	93:24 127:4	<b>check</b> 76:3
202:8 213:6	30:20,21 31:3	231:4 244:14	145:5 200:7
215:15 216:5	31:4 109:20,21	244:16,18	209:20 231:18
250:4,10,11,13	205:10 251:25	297:2,3 352:3	231:20 234:13
250:18,19	252:2,7,13,19	411:4,7,10,13	234:15 392:22
263:5 280:6,23	252:20,24	411:16,19	393:4
280:23 381:7	253:6,11,12	<b>changed</b>	<b>checked</b> 64:8
402:20	254:22 255:1,7	126:25 192:22	194:3
<b>ceilings</b> 387:10	255:8 257:3	192:23 193:1	<b>checking</b> 130:4
<b>cell</b> 183:12	260:20,22,24	286:16 301:9	<b>chemical</b> 96:22
<b>center</b> 54:16	260:25 261:5	302:8,18 303:3	99:23
144:1 209:3,9	261:10,13	317:3	<b>chemist</b> 200:7
223:4,5 240:7	286:11,13	<b>changes</b> 92:25	249:11,13
294:21 304:8	289:16,17,21	93:11,15,17	287:17
318:23 321:7	290:5 396:21	94:1,4,9,10,13	<b>chicago</b> 11:7
370:22	397:1 405:10	193:7,8 231:8	13:25 16:9
<b>centered</b>	<b>certification</b>	250:25 301:14	17:21 18:21
356:13	8:14 70:23	410:10 412:6	113:23 260:10
<b>central</b> 246:8	<b>certified</b> 70:15	<b>changing</b> 93:1	<b>choice</b> 200:13
<b>cert</b> 137:12	70:20	<b>chapter</b> 374:18	<b>cigarettes</b>
205:10	<b>certify</b> 408:7,25	399:12	236:15
<b>certain</b> 20:19	<b>cetera</b> 316:9	<b>char</b> 95:16 96:3	<b>circle</b> 27:25
32:2 104:14	<b>cfei</b> 1:13 6:15	96:10 400:19	48:5,12 138:23
106:22,22	407:15 408:7	400:22,25	139:1,15
114:5 144:25	410:5 411:2,24	401:3,4,7,8	140:10 142:22
149:22 193:2	412:2,4,12	<b>charge</b> 301:18	363:14 365:14
193:10 194:14	<b>cfi</b> 1:13 6:15	302:4 338:17	<b>circled</b> 140:19
205:8 207:5,6	90:8 407:15	<b>charging</b> 87:17	<b>circles</b> 143:18
230:25 289:15	408:7 410:5	<b>charles</b> 34:8	366:3
289:17 316:6	411:2,24 412:2		

[circling - collected]

Page 15

<b>circling</b> 140:18	<b>classes</b> 81:17	<b>clogged</b> 196:24	<b>collapse</b> 221:25
<b>circuit</b> 173:19	394:24	<b>close</b> 27:9 52:5	359:12
174:8	<b>classify</b> 223:18	52:6 127:16	<b>collapsed</b> 222:2
<b>circulate</b>	<b>clean</b> 221:18	137:23 200:25	222:2,6
180:19	225:13 310:25	272:1 379:13	<b>collect</b> 109:2
<b>circulated</b>	392:21	401:14 402:9	128:8 163:21
276:17	<b>cleaned</b> 32:1	<b>closed</b> 28:23	173:9,11
<b>circulation</b>	145:17 221:18	38:4 79:4,5	187:16 208:20
177:1 181:24	<b>clear</b> 64:15	83:12 99:24	222:24 240:12
<b>circumstance</b>	213:12 214:10	117:19 119:2	241:13,16
167:9	219:11 323:6	120:1,4,11	245:1,5,15,22
<b>circumstances</b>	385:22,24	121:19 146:7	246:10 247:9
190:22 193:16	389:14	190:7 199:7,13	249:15 250:6
196:13 207:5	<b>clearly</b> 144:13	199:15 212:20	269:21,22
227:7 231:1,9	398:6,15	215:4 388:4	304:24 306:13
375:8	<b>clendening</b>	401:20,23	306:25 308:20
<b>city</b> 8:21 390:2	2:15	402:6	313:13 315:14
<b>clad</b> 56:2	<b>client</b> 83:11	<b>closest</b> 262:17	322:18,23
<b>claim</b> 30:14	87:11,17 114:8	<b>closing</b> 29:3	327:10 329:3
122:6 140:22	120:13 190:6	<b>clue</b> 39:11	334:9 347:16
333:16 354:16	194:16 196:9	<b>codefendant</b>	386:19 391:6,7
372:9	200:17 212:19	21:9	<b>collected</b> 77:21
<b>claiming</b>	246:10 314:3	<b>codefendants</b>	78:14 110:14
362:19	315:7 360:4,11	323:13	126:18 128:5
<b>clarification</b>	367:8 387:18	<b>coe</b> 1:7 5:13 6:5	135:8 186:18
397:7	402:24	83:11 410:4	187:10 188:1
<b>clarify</b> 100:2	<b>client's</b> 384:10	411:1 412:1	207:24 223:10
328:15 337:18	402:16	<b>coffee</b> 12:21	223:10 236:4
396:20	<b>clients</b> 257:12	<b>coincidentally</b>	238:17,22
<b>clarity</b> 334:7	<b>climb</b> 131:19	50:7	241:24 242:3
<b>class</b> 124:8,8	132:12	<b>cold</b> 196:14	242:14 245:10
151:19,20	<b>climbed</b> 121:6	308:19 309:3,4	245:11,19,25
200:5,5 227:11	198:21	309:5,7,8	246:2,11 250:7
227:12 229:6,6	<b>clock</b> 57:2	<b>coll</b> 128:5	265:2 268:22
			291:7,9,14,16

[collected - comp]

Page 16

292:19 295:11 296:9 300:11 300:17 303:20 303:21,25 304:2 306:23 312:12 313:15 316:2,7,8 318:22 322:19 322:25 324:21 325:10 327:8 327:10,12 333:17 338:24 339:9 347:15 367:23,23 383:8 390:21 <b>collecting</b> 77:20 185:3 186:19,21 208:1,6 245:13 246:8 293:14 306:17 307:4 312:24 364:17 386:3 <b>collection</b> 133:22 207:1 207:13,18,25 259:18 265:13 290:11 307:11 307:20,25 313:10 317:14 <b>collections</b> 372:3 <b>color</b> 4:4,4,5,5 4:16,16,17,18 4:19,19,20,20	106:12 362:18 <b>com</b> 167:2 <b>comb</b> 236:11 <b>combination</b> 168:7 370:23 <b>combine</b> 250:20 <b>combined</b> 202:6 <b>combust</b> 199:17 <b>combust</b> 123:15 125:13 146:1 166:11 198:16 229:3,4 285:18 358:3 <b>combusted</b> 201:8 287:17 371:25 372:1 372:13,14,17 379:23 381:14 401:6 <b>combustibility</b> 125:8 229:21 <b>combustible</b> 96:4,7 97:5 105:25 126:2 150:24 196:2 197:3 200:6 201:6 229:9 230:5 237:21 251:15,18 287:18 288:3,6 289:10 376:12 377:19 378:8 380:9 381:3,4	382:21 383:2 384:1 403:20 <b>combustibles</b> 376:18,23 381:8 402:9 403:1 <b>combustion</b> 97:6 101:8 125:14 126:2 146:7 199:18 239:15 287:19 372:11 376:2 377:3 378:2,7 381:2 382:14 <b>come</b> 8:9 10:3 10:11 24:18 26:24 50:22 61:8,14 62:12 63:14,17 75:9 109:14 119:6 140:16 175:14 177:10,12 178:19 195:8 340:5,9,24 351:4 356:21 374:25 386:10 405:7 <b>comes</b> 112:21 118:11,13 160:22 215:25 284:15 351:7 365:9 394:11 <b>comfortable</b> 64:22 118:22	<b>coming</b> 20:14 89:24 140:23 154:8,16 218:16 235:5 262:10,16,19 263:2,4,4,19 264:5,8 268:20 330:24 <b>comma</b> 90:8 105:4 127:12 252:15 375:3 400:1,9,10,11 400:11,12 <b>commencing</b> 1:19 408:14 <b>comment</b> 48:25 49:1,24 141:17 162:11 234:13 <b>commentary</b> 275:4,6 397:13 <b>comments</b> 202:12 257:21 <b>commission</b> 409:16 <b>common</b> 90:8 109:15 405:3,4 405:6 <b>commonly</b> 252:21 <b>communicated</b> 360:17 <b>communication</b> 260:5 <b>comp</b> 248:16 287:25
---	--	--	---

[company - conducted]

Page 17

<b>company</b> 9:3,4 15:15 16:22,24 17:1,3 19:20 30:10,13 31:2 32:9,14 39:16 75:4,20 76:8 77:3,5,6,7 78:2 78:19 79:3 81:3 84:24 86:24,24 212:19 227:8 275:8,9 357:1 360:22 376:12 <b>company's</b> 125:17 146:4 287:25 <b>compare</b> 337:7 337:22 <b>compared</b> 93:12 <b>comparison</b> 88:22 135:14 <b>compatible</b> 377:25 <b>compensated</b> 39:15 <b>competent</b> 97:9 <b>competitor</b> 212:19 <b>complaining</b> 192:16 <b>complete</b> 35:9 412:8 <b>completed</b> 10:22 60:21	410:17 <b>completely</b> 167:2 199:7 222:2 226:4 336:12 <b>completion</b> 83:2 <b>compliance</b> 92:3 <b>complies</b> 188:4 235:13 281:10 325:16 <b>comply</b> 70:1 <b>component</b> 111:7 226:17 304:19 360:10 367:7 <b>components</b> 112:13 113:3 113:15 114:11 164:3 166:1,11 186:25 224:24 226:14 237:1,9 361:7,16 369:19 371:8 373:22 <b>comport</b> 44:13 161:21 <b>comported</b> 280:15 <b>compound</b> 34:13 382:18 <b>compressor</b> 159:15	<b>computer</b> 21:6 24:21 25:2 42:5 137:1 358:15 <b>computers</b> 56:24 <b>con</b> 60:15 68:24 126:8 216:11 387:18 <b>concede</b> 33:4,7 91:19 104:16 201:15,17 205:3 210:3 215:13 283:8 305:17 307:14 310:24 364:3 382:13 <b>conceding</b> 381:13 <b>concentration</b> 231:2 <b>concern</b> 141:8 141:8 <b>concerned</b> 33:20 103:5 281:25 315:13 394:2 <b>concerning</b> 34:16 <b>concerns</b> 145:19 <b>concise</b> 191:11 192:1 <b>conclude</b> 280:16	<b>concluded</b> 360:9 <b>concludes</b> 406:11 <b>conclusion</b> 112:23 116:8 116:15,18,19 126:13 127:5 150:2 252:3 315:4 <b>conclusions</b> 110:5,21 116:5 127:12,25 148:19 393:13 396:22 <b>condition</b> 138:15 231:8 232:15 <b>conditioning</b> 1:7 5:14 6:5 83:12 <b>conditions</b> 101:9 141:22 141:23 178:8 190:23 191:1 192:22,23,25 193:2,2,10,12 193:14,17 207:6 230:23 230:24 231:4 231:10 232:7 235:4 308:18 <b>conduct</b> 375:9 <b>conducted</b> 27:11 60:15,16
--	--	--	---

[conducted - continued]

Page 18

127:24 277:16 <b>conducting</b> 66:24 <b>conductor</b> 186:3 <b>conductors</b> 186:3 <b>conduit</b> 112:20 186:2 187:1 <b>cone</b> 118:12 <b>conference</b> 355:23 <b>confidence</b> 252:11 <b>confirm</b> 125:12 167:11 308:22 383:5 <b>confirmation</b> 110:2,17 <b>confirmed</b> 111:22 233:2 382:25 <b>conflict</b> 277:15 <b>conflicting</b> 233:17 <b>confused</b> 355:8 <b>confusing</b> 346:24 354:20 <b>confusion</b> 293:19 302:10 <b>connection</b> 10:18 16:4 17:18 40:15 41:1 44:24 49:15 73:22,22	92:14 126:13 136:1,22 272:9 <b>cons</b> 257:1 <b>conserving</b> 103:5 <b>consider</b> 79:8 110:18 <b>consideration</b> 165:2 256:15 <b>considered</b> 165:1,6 206:8 255:7 271:5,18 <b>considering</b> 85:10 <b>consistency</b> 364:8 <b>consistent</b> 333:25 <b>constitute</b> 205:24 220:1 <b>constituted</b> 216:18 <b>constructed</b> 216:11 <b>construction</b> 86:24 216:15 379:21 380:12 380:14 <b>consult</b> 120:10 <b>consulted</b> 76:9 117:19,23 349:12,20 350:6 360:14 360:21	<b>consulting</b> 9:14 266:25 <b>consumed</b> 166:8 <b>contact</b> 41:10 51:5 63:19 64:1,6,11,13 66:17,21 114:15 137:8 151:23 183:19 228:21 323:4 397:6 <b>contacted</b> 45:24 68:9 76:7 113:9 137:11 153:2 212:18 274:22 275:9 284:11 309:1 <b>contain</b> 339:2 <b>contained</b> 117:2 286:23 354:16 396:19 <b>container</b> 96:24 120:25 121:1,2 159:4 184:7 188:7 220:20,21 227:9 239:18 239:21 240:23 240:25 241:4 241:23 242:12 247:7,14 251:17 268:23 288:1 295:20	296:24 298:23 323:3,3,4 331:12 336:11 336:12 337:20 358:12 396:19 <b>containers</b> 190:19 211:1 222:22 241:18 277:22,24,25 354:18,21 <b>containing</b> 324:21 <b>contains</b> 69:25 74:8 <b>contaminated</b> 306:11 <b>contamination</b> 166:24 206:25 237:6 238:4 <b>content</b> 90:24 <b>contents</b> 33:21 101:22 222:12 222:15 271:4 271:18 <b>continuation</b> 203:7 <b>continue</b> 5:8 55:15 86:21 284:11 323:11 379:10 <b>continued</b> 10:13 44:9 142:7 175:15 329:11
---	---	---	--



[continuing - couple]

Page 19

<p><b>continuing</b>  132:2 178:16  180:9 255:1,6  331:21 375:15  400:4  <b>contract</b> 85:11  85:12,16 86:8  <b>contractors</b>  281:1  <b>contradict</b>  402:24  <b>contradicting</b>  180:4  <b>contradictory</b>  110:20  <b>contrary</b> 59:25  <b>contrast</b> 362:18  <b>contributed</b>  75:16  <b>control</b> 81:4  284:14,17,19  285:13 387:19  387:23  <b>controlled</b>  324:11  <b>conversation</b>  5:6 49:4,17  54:4 55:13  77:2 79:21  161:8 392:13  <b>conversion</b>  99:23  <b>converted</b>  339:8,10,12</p>	<p><b>convinced</b>  300:8  <b>coordinates</b>  333:3  <b>copies</b> 18:18,20  20:11 410:14  <b>copper</b> 186:3  <b>copy</b> 26:25  42:8 133:25  137:14,15  138:11 272:15  272:18 276:16  297:13  <b>corner</b> 161:12  173:14,20  174:8  <b>corners</b> 162:22  <b>correct</b> 19:14  21:6 39:18,21  50:10 52:3  55:4 60:6  65:15 67:14  68:7 70:2  75:17 84:21  87:12 92:1  116:13 117:2  130:8 147:9  157:14 164:5  164:22 170:8,9  197:18 201:19  216:5 222:3  223:6 224:1  232:17 243:4  244:8,10 252:4  252:8,21 253:3</p>	<p>253:6 255:8,11  256:12 261:14  264:15 271:2  271:20 272:7  274:17 276:20  285:20 288:22  297:24 298:20  315:3 339:7  352:21 355:3,6  360:12 362:11  374:2 376:3  378:16 381:3  382:16 387:6  388:16,21  390:19 397:2  399:2 400:11  401:9 404:6  412:8  <b>corrected</b>  203:12  <b>correction</b>  203:15,24,24  <b>corrections</b>  412:6  <b>correctly</b>  100:21 103:7  127:12 200:18  315:6,11  <b>corresponds</b>  253:11  <b>corrugated</b>  165:23 216:6  216:11,19  217:11,13  218:3</p>	<p><b>corsin</b> 16:7,8  <b>cost</b> 272:25  <b>could've</b>  114:19  <b>counsel</b> 4:9  5:11,25 22:14  23:20 25:3  263:17 281:16  303:9 325:19  397:5 408:24  410:14  <b>count</b> 27:8  329:8 389:18  <b>county</b> 1:15,18  7:22 18:5,7  19:22 408:3,6  408:14 409:18  <b>couple</b> 6:24  11:5,16 12:20  20:7 24:16  27:11 38:15  42:25 52:21  72:18 75:25  88:5 93:17  107:2 131:3  160:8 182:24  202:10,11  210:24 224:9  244:20 246:18  251:3 272:8  279:19 281:16  329:17 348:10  398:23 399:5,9  402:14 405:8</p>
--	---	--	---

[course - date]

Page 20

<b>course</b> 71:3,5 81:24 82:23 254:5 270:23 393:23 394:20 <b>courses</b> 81:13 <b>court</b> 1:1 5:15 5:20 6:11 12:24 19:5,6,9 19:22,23 82:14 84:17 102:18 139:13 192:9 260:21 366:5 391:17 <b>courts</b> 260:19 <b>cover</b> 86:4 179:4 207:9 <b>covered</b> 27:15 122:16 143:12 334:4 <b>covering</b> 276:14 <b>covers</b> 162:22 <b>covid</b> 85:22 <b>cracks</b> 154:24 <b>crate</b> 219:19 <b>create</b> 35:2 302:10 375:8 <b>created</b> 160:11 160:15 364:6 <b>credibility</b> 286:8 <b>credible</b> 306:18 <b>criminal</b> 344:15	<b>critical</b> 307:21 <b>cross</b> 3:5 166:23 167:25 237:6 238:3 389:12 <b>crossed</b> 298:13 301:1,6 342:6 <b>crossing</b> 301:24 <b>cs</b> 301:25 302:12 410:15 <b>cs</b> 5675427 1:25 <b>current</b> 7:8,10 7:11 91:21 92:6,7 138:15 <b>currently</b> 28:2 28:9,12 197:21 <b>curriculum</b> 8:22 9:13 12:3 <b>custodian</b> 297:3 <b>custody</b> 4:18 21:5 133:21 267:12,13 290:8 297:2,20 299:20 301:8 321:22 323:18 324:16 338:11 341:7,11 <b>custom</b> 36:11 36:18 <b>customers</b> 106:23 210:24 <b>cut</b> 225:5,8,19 226:24	<b>cutter</b> 60:12 225:8 <b>cutters</b> 60:8,9 225:17 226:24 <b>cutting</b> 228:3,5 228:13,21 280:5 348:9 <b>cv</b> 1:3 5:16 37:13,14 <b>cvfi</b> 1:13 6:15 407:15 408:8 410:5 411:2,24 412:2,4,12 <b>cylin</b> 244:20 <b>cylinder</b> 241:21 <b>cylinders</b> 244:21	<b>damage</b> 58:10 185:21 186:19 202:7 207:17 208:23 209:7 246:12 359:9 359:11,12,19 <b>damaged</b> 359:20,22 <b>dan</b> 34:8 <b>danzer</b> 34:9 83:21 <b>darker</b> 319:25 <b>dart</b> 14:6 <b>data</b> 66:12 98:7 98:9,23 109:2 109:3,4,6,10 110:14,20 124:9 205:24 209:13 210:17 248:22 252:11 252:12 358:9 374:24 <b>date</b> 7:6 11:8 11:22 23:23 39:25 41:23 42:4 71:11,12 71:21 72:10,12 73:2,4 77:22 80:4 90:16 92:8,9 93:8 129:25 132:14 132:16 134:13 160:15 194:10 265:25 290:11 290:18,20,23
		<b>d</b>	
		<b>d</b> 1:8 4:11 34:24 45:3,3 96:20 157:18 157:20 159:19 161:11 164:25 165:11 168:14 169:14 171:7 173:18 182:12 184:1,14,19 186:17 271:23 316:8,8 348:22 <b>dale</b> 65:22,24 66:1 156:17,22 172:6 226:23 234:21 <b>dam</b> 185:21	

[date - defendants]

Page 21

291:9,14,16	78:10,14,22	<b>dd</b> 4:5 137:17	<b>decided</b> 40:22
297:21 300:17	80:2 87:10	137:19 138:2	62:15 85:25
313:12 398:1	107:10,16	139:2,12 140:7	86:9 87:1
411:24 412:12	113:5,7,8	142:21 146:13	153:1 237:21
<b>date's</b> 71:25	121:5 134:19	155:11 158:3	269:25 274:15
<b>dated</b> 4:12,17	156:8,25	158:16	286:15 322:18
11:3 20:20	167:22 169:3	<b>de</b> 265:4	322:22
39:17,20 67:18	182:14 183:20	<b>debris</b> 59:10,14	<b>decision</b> 288:10
72:24 74:15	185:1 190:19	101:22 122:7	<b>decisionmaki...</b>
90:4,21,22	191:22 192:24	156:1 222:8	377:11
126:24 133:23	194:4,4,8,14	249:16 333:18	<b>declare</b> 412:4
133:23 160:6	227:2 228:1,6	333:20 334:18	<b>declared</b>
182:13 203:8	228:8,10	335:1,5,25	252:25
290:11 291:7	232:18 233:1	336:5 337:10	<b>deductive</b>
294:12 297:21	259:15 260:7	338:20 339:3,3	98:15,16,19
305:1 321:22	270:6 277:25	339:6,20	<b>deem</b> 177:24
324:16 355:20	287:13 308:19	353:16 354:1	<b>deemed</b> 412:6
<b>dates</b> 9:14	313:19,20	354:16 355:1	<b>def</b> 98:3 251:10
40:25 41:22	322:17,19	373:18	<b>defective</b>
130:5 147:20	338:24 368:15	<b>debris's</b> 336:12	348:14 349:15
373:3	373:9,12,12,17	<b>decade</b> 197:5	<b>defendant</b> 5:12
<b>david</b> 314:18	386:9 392:10	<b>decades</b> 81:14	6:4 14:18
<b>davis</b> 221:15	392:15,20,21	<b>decatur</b> 15:13	16:20,21 30:9
314:14	395:5,6,10	<b>december</b> 4:12	<b>defendant's</b>
<b>day</b> 41:2 43:15	398:16 409:6	4:15 10:20	74:15
44:5,7,25 45:4	412:15	11:3 22:7,8	<b>defendants</b> 1:9
47:20 49:3	<b>daylight</b> 62:17	39:17,24 55:15	1:16 2:9 138:2
50:12 51:15,23	<b>days</b> 8:3 128:12	57:19 59:16	187:14 304:5
52:7 53:3,3	190:9,11 191:3	67:18 68:6	306:21 316:14
59:22 61:3,20	193:15,20	74:16 80:10	317:9 333:14
63:21 64:15,18	196:1 230:12	90:4 91:3,5	334:19 345:23
65:18 68:21,24	410:17	93:3 126:14	346:1 361:2
69:7 75:11	<b>daytime</b> 194:5	127:13,25	366:10 397:18
76:6,19,20,21	234:3	165:3 201:18	398:20 404:5
77:15,16,20		243:18	408:12

[define - depth]

Page 22

<b>define</b> 95:10,16	286:11,13	<b>depend</b> 179:2	23:2,5 24:13
<b>defined</b> 253:10	289:15,15,17	<b>dependable</b>	26:20 27:16,19
399:23	289:17,21	157:14	32:19,25 33:14
<b>defines</b> 98:7	290:4 397:1	<b>depending</b>	33:19,22 45:7
99:22 101:19	405:10	89:11	54:25 65:9
105:1	<b>degrees</b> 172:15	<b>depends</b> 138:11	69:15 74:18
<b>defini</b> 97:8	172:18 194:5	175:4 176:11	83:20,25 87:18
<b>definition</b> 96:9	230:7,8,11	208:5	88:7 103:20
97:4,9,16,19	233:2,9,16,22	<b>depict</b> 138:14	108:3,4 115:12
99:3 100:3,6	234:8	<b>depicted</b> 306:7	130:9 137:9
101:3,4,6,14,25	<b>delaware</b> 2:15	368:23 369:9	152:6,7 153:18
104:2 118:24	<b>delaying</b> 63:19	<b>depicts</b> 333:4	154:7 174:18
119:1 201:4	<b>demarcation</b>	<b>depo</b> 103:19	182:9 191:7,10
250:2 251:11	213:12	262:4	191:12 196:19
253:8 357:18	<b>demolition</b>	<b>deponent</b>	212:25 218:21
400:3	390:14	407:11 408:8	221:20 226:19
<b>definitional</b>	<b>demonstrate</b>	408:21,22	261:25 263:16
97:24 101:13	363:1	410:13 412:3	272:6 351:7
<b>definitions</b> 98:3	<b>demonstrated</b>	<b>depos</b> 191:12	406:11 408:11
100:13 102:24	252:24	<b>depose</b> 329:24	408:17
103:6,22	<b>demonstrative</b>	<b>deposed</b> 14:16	<b>deposition's</b>
<b>deflector</b>	363:20	19:19 69:19	36:14
144:19 305:20	<b>deny</b> 187:18,19	265:4,7	<b>depositions</b>
371:14 402:19	<b>denying</b> 187:12	<b>deposing</b>	10:12 11:6,17
<b>deflectors</b>	187:17	410:13	12:10,15,16
132:11 177:19	<b>dep</b> 7:3 27:19	<b>deposition</b> 1:12	15:10 18:18,25
208:23 371:12	32:24 265:4	4:3,6,9 5:11,17	19:12,16 27:18
371:13	280:7	11:14,19,20,25	27:21,22 32:18
<b>defy</b> 259:23	<b>department</b>	12:5,9 13:22	32:19 34:5
<b>degree</b> 15:6,24	8:21 31:12	13:25 14:1	54:22 84:4
31:3 104:14	38:14 43:19	15:18 16:5,12	87:21 264:22
124:17 144:22	44:10,15 390:2	16:15 17:10,12	264:25
144:25 205:7,8	<b>departments</b>	17:18,22 18:4	<b>depth</b> 400:19
260:23,25	70:17 389:25	18:14,21 20:7	400:22,25
261:5,5,10,13		20:8,9 21:23	401:8

[des - direction]

Page 23

<p><b>des</b> 39:6</p> <p><b>describe</b> 43:21 243:15</p> <p><b>described</b> 133:12 141:25 229:25</p> <p><b>describes</b> 252:2</p> <p><b>description</b> 45:10,11 179:24</p> <p><b>design</b> 348:15 349:22</p> <p><b>designed</b> 350:1</p> <p><b>desk</b> 265:19</p> <p><b>despite</b> 123:3 136:7 239:18</p> <p><b>destroy</b> 37:20 40:8 80:22 81:18</p> <p><b>destroyed</b> 32:4 35:16 36:8 38:3,25 39:23 40:1,5 80:21 167:2 185:22 186:2 322:21</p> <p><b>destroying</b> 39:6 80:25</p> <p><b>destroys</b> 38:11</p> <p><b>details</b> 58:12</p> <p><b>detector</b> 375:22</p> <p><b>detectors</b> 375:19,20,23</p> <p><b>determination</b> 17:6 399:13 400:13</p>	<p><b>determinations</b> 31:16</p> <p><b>determine</b> 30:4 31:9,14 63:3 75:14,15 76:4 98:22 105:11 108:22 109:1 109:13 218:9 250:23 252:14 284:12 359:4 404:22 405:1</p> <p><b>determined</b> 31:5 112:1 210:8 246:3 252:10,13 258:13,18 400:10,10 403:18</p> <p><b>determining</b> 12:17 245:20 374:24</p> <p><b>develop</b> 67:6 109:8,8</p> <p><b>developed</b> 74:11</p> <p><b>develops</b> 400:6</p> <p><b>device</b> 118:12 158:18 353:17 387:4</p> <p><b>diag</b> 136:13</p> <p><b>diagram</b> 4:15 42:2,4 136:14 136:21,24,25 137:1 184:13 276:1,21</p>	<p>278:13 279:20 400:22</p> <p><b>diagrams</b> 135:24 205:17 328:19 385:9 386:2</p> <p><b>dict</b> 308:9</p> <p><b>die</b> 67:10</p> <p><b>died</b> 67:12</p> <p><b>diesel</b> 150:22 229:8 230:6 288:5</p> <p><b>difference</b> 20:2 112:21 144:5 200:8 244:12</p> <p><b>differences</b> 93:16</p> <p><b>different</b> 27:6 28:10 38:7 74:11 86:5 98:17 102:6 124:24 191:2 197:23 200:21 216:20 217:12 226:9 233:17 233:17 236:24 263:7,12 271:9 281:1 290:17 290:23 293:16 300:17 302:13 311:19 316:11 316:20 320:23 326:23 327:11 332:12 336:12 338:7 359:1</p>	<p>367:19 378:1 381:12 384:10 384:21</p> <p><b>differently</b> 293:15</p> <p><b>difficult</b> 31:9</p> <p><b>diggle</b> 26:22 34:22 35:16 39:10,10 113:19,22,22 114:10 115:17 134:5 148:15 148:18 149:11 150:13 160:12 160:13 182:18 182:25 183:11 184:4,13,20 185:4 191:23 238:25 259:21 260:10</p> <p><b>diggle's</b> 185:15</p> <p><b>digital</b> 24:21,22 36:4 398:5</p> <p><b>digitally</b> 312:1</p> <p><b>dimensions</b> 278:19</p> <p><b>direct</b> 3:3 6:20 117:10,10 319:9</p> <p><b>directed</b> 132:24</p> <p><b>directing</b> 270:17</p> <p><b>direction</b> 231:12 408:19</p>
---	--	--	---

[directions - dry]

Page 24

<b>directions</b> 243:10 <b>directly</b> 47:4 144:21 237:11 259:20 <b>dis</b> 265:7 <b>disadvantage</b> 226:20 <b>disagree</b> 264:7 <b>discard</b> 35:12 36:13 <b>discarded</b> 110:25 259:7 <b>discern</b> 215:14 <b>discounting</b> 110:19 <b>discrepancies</b> 107:6 <b>discuss</b> 114:4 114:16,17 <b>discussed</b> 82:25 274:15 <b>discussion</b> 84:5 390:12 396:21 406:13 <b>discussions</b> 34:15 273:7 <b>disinterested</b> 408:25 <b>displayed</b> 47:10 <b>dispute</b> 173:16 174:13 349:7 403:4	<b>dissect</b> 98:9 <b>distance</b> 402:15 402:25 <b>distillants</b> 249:3 <b>distillate</b> 151:4 151:11 224:9 <b>distillates</b> 166:20 210:14 248:25 <b>distillation</b> 150:20 <b>distilling</b> 223:25 <b>distinguishing</b> 204:8 <b>district</b> 1:1,1 5:15,15 <b>disturb</b> 270:2 308:23 <b>disturbed</b> 31:8 31:23 386:15 <b>dividing</b> 170:1 214:4 <b>division</b> 1:2 5:16 74:24 90:9,14 <b>dizdarevic</b> 45:3 263:16 <b>doc</b> 207:21 357:16 <b>document</b> 4:11 164:18 183:2 186:6 201:22 269:7 277:2,19	303:21 357:12 357:15 <b>documentation</b> 184:17 244:17 <b>documented</b> 207:20 244:15 <b>documents</b> 20:19,24 <b>doing</b> 6:9 8:23 9:23 55:16 58:3 60:23 62:4 64:17 92:19 100:18 141:20 143:22 147:24 185:5 200:12 243:9 259:18 269:19 273:9 281:22 313:1 327:1 384:5 <b>dollar</b> 338:17 <b>door</b> 56:8 138:20 154:9 154:10,18,19 154:24 164:9 164:13 170:8 213:14 215:21 215:22,23 264:17 <b>doors</b> 56:9 154:11,17,23 154:24 155:1 164:8 170:3 262:17 263:20	<b>doorway</b> 169:19 <b>double</b> 64:8 393:4 <b>doubt</b> 315:9 396:15 <b>draw</b> 42:2 139:12 176:16 <b>drawing</b> 278:20 <b>drawings</b> 206:15,18 <b>drawling</b> 136:3 <b>drawn</b> 180:14 <b>dried</b> 122:24 124:13 125:2,4 125:5 200:14 201:2,5 230:4 246:21 289:8 <b>dries</b> 124:4 351:18 <b>drift</b> 175:18 <b>drive</b> 2:11 7:9 16:10 260:7,8 <b>drivers</b> 56:23 <b>drop</b> 381:6 <b>drops</b> 194:17 194:25 <b>drove</b> 52:20 260:9,14 <b>drum</b> 168:25 240:14 <b>drums</b> 169:4,11 <b>dry</b> 124:11,15 124:25 125:9
---	--	--	--



[dry - electrical]

Page 25

125:13 126:1 145:25 200:10 225:22,25 226:2,4 227:2 227:20 285:19 286:2 287:17 287:20 288:22 351:17,20,25 403:20 <b>drying</b> 124:18 200:8,9 352:4 <b>duces</b> 4:7 20:18 21:10 <b>due</b> 17:8 61:17 62:10,11 63:18 76:11 86:7 112:22 186:18 209:8 233:1 273:16 308:17 <b>duly</b> 6:16 408:8 <b>dumpers</b> 128:4 <b>dumping</b> 329:20 <b>dumpster</b> 54:15 58:24 215:10 225:4 227:3 240:5 <b>dumpsters</b> 55:22 57:23,23 58:16 59:19 106:8,22 126:18 128:5 129:21 198:21 220:22 221:2 225:9,20	226:16,25 <b>dupli</b> 293:6 <b>duplicates</b> 293:7 <b>dupuis</b> 2:20 5:19 <b>dur</b> 166:23 <b>dust</b> 215:21 224:25 225:1 234:25 <b>dusting</b> 141:3 142:4 <b>duties</b> 8:10 <b>dwel</b> 17:5 <b>dwelling</b> 31:23 122:17 <b>dynamics</b> 251:1	<b>earn</b> 88:10 <b>earnings</b> 88:21 <b>earns</b> 88:22 <b>easily</b> 288:7 <b>east</b> 47:6 176:19 209:4 213:14 214:15 243:5,8,11,12 243:12,13,20 244:1,2 269:14 304:16 <b>easy</b> 370:18 <b>eat</b> 389:5 <b>edges</b> 219:12 <b>edition</b> 91:22 93:4,9,12,13 374:2,8,14,15 374:18 395:22 399:12 <b>editions</b> 374:3 <b>ee</b> 182:20 <b>effect</b> 106:19 <b>effective</b> 374:5 <b>efficiently</b> 151:21 <b>effort</b> 394:21 <b>efforts</b> 183:15 183:16 212:8 <b>efi</b> 12:8 84:24 85:1,5,6 <b>eight</b> 8:6 36:22 60:22 90:24 345:5 <b>either</b> 21:1 52:23,25 65:14	73:18 92:15 94:13,19 148:18,24 150:12 152:21 160:11 166:19 170:22 181:12 204:3 231:25 232:7 237:17 248:24 253:21 256:19 261:14 263:19 269:12 269:14 285:18 285:19 298:15 304:19 307:8 309:9 326:21 349:19 353:22 358:20 360:19 365:21 389:25 399:12 405:9 <b>elaborate</b> 162:11 <b>elect</b> 167:4 <b>elected</b> 39:4 85:17 <b>electric</b> 162:15 164:9 185:19 393:19 <b>electrical</b> 111:6 111:7 112:2,4 112:19,21 113:3,15,15,22 113:25 114:3,4 114:10,11,15 114:16,24 115:4,19
	<b>e</b>		
	<b>e</b> 2:1,1,3,7,13 2:17 4:11 45:3 96:20 188:2 411:3,3,3 <b>earlier</b> 6:25 25:10 32:17 88:13 175:6 202:11 228:9 254:5 274:21 317:23 321:6 337:13 347:6 390:12 392:18 394:16 396:9 398:8 403:25 <b>early</b> 60:19,21		

[electrical - eventually]

Page 26

161:11 163:5 163:12 164:3,4 167:4 186:16 186:25 187:7 187:13,16 393:20 <b>electrically</b> 164:14 <b>electricity</b> 111:17 114:6 393:17 <b>electronic</b> 36:1 39:8 194:24 195:2 406:18 407:7 <b>electronically</b> 33:25 34:1,6 <b>element</b> 247:18 <b>elements</b> 101:23 <b>eliminate</b> 111:6 289:14 <b>email</b> 4:15 85:13 <b>emails</b> 281:16 <b>employ</b> 409:4 <b>employed</b> 9:9 66:1,5 84:24 185:10 341:3 <b>employee</b> 25:23 26:13 33:11,24 34:3 42:15,18 56:19,19 129:4 307:15 345:8	<b>employees</b> 26:11 43:3,7 64:1,4,5 122:14 141:7 179:25 183:22 225:18 226:22 232:19 242:18 277:16 329:17 <b>employer</b> 7:10 7:11 <b>employment</b> 9:14,24 10:1 28:1 29:19 32:7 38:23 66:14 84:23 85:20 86:10 <b>empty</b> 236:15 303:13 <b>en</b> 120:24 <b>enclosed</b> 120:24,25 121:1 <b>encountered</b> 315:1 <b>ended</b> 29:3 106:2 385:11 <b>ends</b> 84:11 189:1 270:10 369:25 406:10 <b>energy</b> 97:10 97:11 99:23,24 <b>engine</b> 19:20 <b>engineer</b> 26:3 113:22 114:3 114:10 115:3,4	194:22 312:22 313:25 <b>engineering</b> 206:18 260:24 <b>engineers</b> 113:25 114:15 187:13 <b>entered</b> 153:19 358:15 <b>enters</b> 185:20 <b>entire</b> 143:10 206:8 378:3 <b>entirely</b> 143:12 258:11 <b>entirety</b> 263:7 <b>entitled</b> 260:18 399:13 <b>entity</b> 85:8 <b>entrance</b> 264:1 <b>entry</b> 135:2 <b>enumerated</b> 20:24 <b>environment</b> 275:1,12 372:19 <b>environmental</b> 101:9 180:21 308:17 322:21 <b>equally</b> 67:4 253:5 <b>equipment</b> 79:23 111:24 112:17 <b>equivalent</b> 288:5	<b>errata</b> 410:11 410:13,17 <b>erratas</b> 410:15 <b>error</b> 72:13,16 202:22 254:8 <b>errors</b> 72:17,18 90:18 <b>especially</b> 252:15 <b>esq</b> 410:1 <b>essentially</b> 200:12 215:19 215:20 351:20 <b>establish</b> 134:19 <b>estimate</b> 32:5 <b>et</b> 5:14 316:9 <b>eval</b> 71:19 <b>evaluate</b> 71:20 98:9 390:25 <b>evaluated</b> 32:4 244:14 245:18 <b>evansville</b> 28:18 <b>evening</b> 52:19 61:15 111:15 172:21 <b>event</b> 189:12,25 409:3 <b>events</b> 374:20 374:23 376:23 378:2,5,7 380:4 382:9 <b>eventually</b> 380:20
---	---	--	---

[everybody - exhibit]

Page 27

<b>everybody</b>	322:15,20	114:9 127:4,23	122:6 166:18
85:11 86:1	323:1,1,18,19	134:13 185:2	236:25 242:20
134:14 179:7	324:16 336:18	186:9 270:6	242:23 256:19
187:8 250:3	341:7,10	312:11 324:22	<b>excluded</b> 21:19
313:20 390:20	343:10 344:19	364:14 369:4,7	238:3
<b>everybody's</b>	344:20 347:19	369:22 370:8	<b>excuse</b> 97:2
390:22	348:16 360:7	372:25 373:13	<b>executive</b> 7:20
<b>everything's</b>	364:17 384:14	386:16 389:12	<b>exhaust</b> 167:21
392:23	384:21 386:22	399:10	168:5 214:16
<b>evidence</b> 4:18	391:1 394:9,14	<b>examinations</b>	304:19
40:8,15 133:21	<b>evidenced</b>	27:11 161:22	<b>exhib</b> 245:23
135:5 185:3	199:21	390:8	<b>exhibit</b> 4:4,4,5
201:1 206:9,25	<b>evident</b> 151:20	<b>examine</b> 22:17	4:5,6,7,10,11
207:12,18	<b>evidentiary</b>	114:11 371:2	4:11,12,12,13
208:1,5 236:4	174:18	<b>examined</b> 6:18	4:14,14,15,15
238:22 240:12	<b>ex</b> 48:11 364:4	22:7 198:22	4:16,16,17,17
241:24 245:7	<b>exact</b> 39:25	318:9 366:18	4:18,18,19,19
257:11 259:19	46:12 97:2	<b>example</b> 39:12	4:20,20 20:10
265:12 267:3	147:20 205:13	53:16 121:14	20:20,25 34:24
267:11,14	297:11 389:18	151:1,19	47:8 48:11
268:22 269:10	399:24	215:22 234:9	50:20 52:3
269:13 270:2	<b>exactly</b> 17:14	294:2 308:20	54:24 67:18
283:25 290:8	31:9 96:2	331:3	72:24 74:15
293:14,15,21	129:25 149:7	<b>exceeded</b>	75:5 87:4 90:3
297:2,20	362:10,17	230:11	90:21 116:2
299:20 301:8	370:24 371:3	<b>except</b> 38:10	126:24 127:8
301:18 302:4	376:22 397:9	39:9 79:20	134:4 135:2
303:17,20	<b>exam</b> 3:1 26:4	88:2 120:24	137:17 138:2,2
304:24 307:20	77:15 161:21	178:11 223:8	139:2,12
308:1,24	368:21 369:6	<b>exception</b>	142:21 146:13
312:18,24	371:2 372:21	40:16 111:18	152:23 154:11
313:14 314:8	399:4	<b>excess</b> 401:15	155:11 157:18
314:10 315:10	<b>examination</b>	403:5,17	157:19 158:3
317:11,14	1:12 3:3,5,6	<b>exclude</b> 114:24	158:16 159:19
321:22 322:13	6:20 113:24	115:18,19	161:11 164:14

[exhibit - exposed]

Page 28

164:25 165:11	300:22 303:6,7	344:22 354:8	<b>expertise</b> 79:4
167:16,22	304:5,13,25	406:19	119:24
168:14 169:14	305:9,18	<b>exist</b> 358:19	<b>experts</b> 115:17
170:5 171:7	306:21 311:18	<b>existed</b> 141:23	117:19 302:11
173:18 179:18	311:25 313:8	191:1,2 231:7	349:19 367:5
182:12 184:1	316:6,8,14,15	<b>existence</b>	390:5
184:14,19	317:7,25	160:16 215:15	<b>expires</b> 409:16
186:17 188:2,3	318:10,20	374:2	<b>explain</b> 108:11
189:8 211:3	320:2,7,16	<b>existing</b> 273:1	111:11 177:18
212:6 213:7	321:20 324:2,9	<b>exists</b> 275:23	190:10,13
214:13 215:14	324:14 325:1	<b>expect</b> 82:11	194:15,20
218:1,14 220:4	325:14 326:25	322:4	225:18 227:4,6
234:18 235:10	328:10,13	<b>expectation</b>	263:24 275:24
239:13,22	329:19 330:12	110:1	323:18 336:10
241:4 243:17	331:4,5,13,14	<b>expectations</b>	<b>explained</b>
244:19 245:23	331:21,25	110:8	109:22
246:16 248:8	332:14,15	<b>expected</b>	<b>explains</b> 246:7
265:9 267:5,15	333:14,18	383:19	<b>explanations</b>
267:25 268:1	334:19 336:10	<b>expel</b> 124:25	179:4
270:17 271:8	341:24,25	176:17	<b>explode</b> 96:23
271:22 272:25	342:3,6,10	<b>expense</b> 246:8	247:15,16,16
274:18 275:20	345:3,15,23	<b>expert</b> 10:18,21	<b>exploded</b> 268:9
275:20 276:1	346:1,5 347:24	10:24 19:10,13	269:3 359:16
276:14,21	348:2 351:8	21:19 22:10,11	<b>explosion</b> 91:25
278:5,9 279:14	352:9,11,17	22:24 110:11	99:4,22 142:11
281:9,12,13	353:12 355:19	120:10 150:9	356:4 357:5
282:3 290:6,19	361:2 362:16	187:15 205:4	358:8,9,13,19
292:10,11,11	363:10 364:22	249:9 252:20	358:23 359:5,8
292:15 294:7	366:10,14	254:24 255:10	359:23 360:2,5
294:10,14,20	396:11 397:18	260:18 275:17	360:8,10,13
295:7 296:1	397:18 398:13	287:18 312:16	400:1
297:16 298:3	398:20 404:5	314:13 348:24	<b>explosions</b>
298:18,22	<b>exhibits</b> 4:1,3,9	349:12 355:19	358:6
299:14,19,25	290:13 297:23	364:5 390:13	<b>exposed</b> 96:23
300:12,12,16	302:12 316:19	403:6	

[express - fans]

Page 29

<b>express</b> 73:21 379:10 <b>expressed</b> 73:18 165:3 205:5 255:3,8 255:20 <b>extensive</b> 185:20 186:3 186:18 <b>extent</b> 108:8 <b>exterior</b> 163:16 262:18 <b>external</b> 137:4 <b>extreme</b> 56:8 217:25 404:4 <b>extremely</b> 308:19 309:3,5 309:8 <b>eyewitness</b> 42:15	<b>facilitator</b> 390:4 <b>facility</b> 15:14 16:17 17:7 27:4,6,12 42:2 44:5 50:12 51:11,19 52:8 54:2,5 55:25 58:3 62:23 75:25 79:3,24 111:17 112:2,4 112:9 116:22 121:4 128:21 129:3,4 130:3 131:15 134:7 135:9 138:4 142:3 164:23 172:11 179:8 181:14 197:22 198:20 210:21 217:23 224:20 224:22 236:5 236:22 245:8 273:16,17 313:11 315:15 362:7 371:21 377:8 381:20 383:15 392:24 393:2,16 <b>fact</b> 35:21 40:19 44:10 54:4 61:6 81:21 86:7,19 111:18 129:16 141:21 153:7	157:8 174:21 175:5 177:18 190:17,17 200:2 205:14 209:8 210:19 221:9 229:14 232:12 239:18 243:11 245:5 245:16 249:4 250:17,20 251:13 256:16 258:10 264:4 273:9 275:7 289:16 291:19 292:4 323:23 328:23 329:2 344:4 354:4 360:9 377:16 380:22 381:1 392:23 393:14 405:22 <b>facts</b> 102:13 149:5,18,21 155:8 255:14 255:15,21,24 256:4,8,10,11 256:17,19,24 256:25 265:1,2 287:23,23 375:10 382:5 394:15 403:23 404:17 <b>factual</b> 150:1 205:25	<b>fahrenheit</b> 172:18 <b>fail</b> 289:23 <b>failed</b> 64:16 261:4 289:22 290:2 384:15 <b>fails</b> 410:19 <b>failure</b> 110:18 216:14 384:22 385:1 <b>fair</b> 63:25 87:25 90:1 94:1 374:10 392:1 <b>fairly</b> 52:6 359:14,19 405:4 <b>falling</b> 237:4 238:4 359:11 <b>false</b> 390:19 391:12,18 <b>familiar</b> 33:17 33:18 65:22,24 65:25 110:1 117:25 133:24 261:1 374:20 <b>fan</b> 168:14 176:16 180:19 195:20 214:16 216:4 393:17 <b>fan's</b> 216:2 <b>fans</b> 167:21,21 176:5 180:18 393:20
<b>f</b>			
<b>f</b> 2:6 4:12 67:18 74:15 75:5 90:3 116:2,4 189:8 243:17 266:18 <b>f.a.s.t.</b> 135:5 282:9,10 283:20 322:1 325:12 335:6,9 343:3 354:15 <b>facil</b> 27:3 <b>facilitate</b> 102:12			

[far - fire]

Page 30

<b>far</b> 25:22 56:7 60:2,11 72:23 86:11 158:17 164:9,13 169:2 182:4 193:19 216:16 217:24 233:4 241:20 241:23 269:20 276:7 364:5 <b>farther</b> 18:12 286:17 <b>fast</b> 317:24 <b>faster</b> 7:4 <b>father</b> 86:23 <b>fear</b> 348:9 <b>feasible</b> 252:25 <b>feasibly</b> 104:10 <b>february</b> 190:8 194:11 366:20 409:7 410:3 <b>federal</b> 391:17 <b>feel</b> 83:1 110:10 193:11 204:9 204:12 261:9 386:14 <b>feeling</b> 82:24 237:15 <b>feet</b> 128:11 171:3 174:2,10 174:21,25 175:2,3,7,12,12 175:17,17 195:15 259:24 269:1 278:25 280:1,12,19	<b>fell</b> 222:6 223:5 240:9 333:19 <b>fella</b> 26:22 63:4 64:17 65:4,6 156:16 221:15 <b>fellow</b> 61:19 62:4 242:6 <b>felt</b> 114:1 205:14 237:9 246:12 257:22 <b>ff</b> 4:17 248:8 265:9 267:5,15 268:1 <b>field</b> 33:8 34:16 34:18,20,21,22 35:2 36:8,13 38:3,10,16,24 39:23 40:17,25 41:14,16 53:11 72:6 77:1 78:17 80:25 81:18,23,25 82:1,22 119:24 148:14,17 156:1 160:11 227:1 259:7 261:6 <b>fifth</b> 189:15,17 189:18 <b>fifty</b> 87:16,19 <b>figure</b> 59:6 329:24 382:8 <b>file</b> 21:13 22:19 22:22,22 23:19 24:8 29:4 35:9	35:19 39:5 40:20,21,22 41:5,5,13,17 42:10 43:8 66:14 81:11 90:20 136:2,24 137:10,11 148:7,15 265:18 282:1 339:16 <b>filed</b> 5:14 <b>files</b> 21:6 38:19 39:7,8 <b>fill</b> 46:19 95:4 <b>film</b> 328:14 <b>filter</b> 180:20 <b>filtered</b> 180:20 <b>filters</b> 180:14 180:17 <b>final</b> 15:18 205:5 282:23 282:24 362:10 364:5 <b>financially</b> 5:23 <b>find</b> 11:9 65:17 158:5 173:4 218:9 313:12 370:18 372:16 375:10 390:15 <b>finding</b> 389:5 <b>findings</b> 30:1 67:19 402:10 <b>fine</b> 64:24 192:5	<b>fingers</b> 191:10 387:6 <b>finish</b> 12:24 37:15 57:5 82:4 94:5,6 125:21 153:10 227:16 296:5 367:18 379:17 381:25 <b>finished</b> 13:3,4 233:7,10 341:16 <b>finishing</b> 180:9 <b>fire</b> 8:21,24 9:6 9:6,23 11:18 12:14 14:20,23 15:6,14,25 16:5,16 17:7,8 19:19 26:10,14 26:18 27:25 28:18,19 31:3 31:6,7,11 38:14 40:16 42:9 43:15,17 43:18 44:5,7,9 44:14,14,19 45:1,5,25 46:2 46:2,24 47:1,1 47:20 48:3 49:2,4 50:8 53:14,16,20,24 54:1,7 55:4 58:5,6 59:10 59:14 60:13 61:3,9,20 62:6
--	---	--	--



[fire - first]

Page 31

64:16,18 66:15	146:6 147:6	243:1 244:24	402:10 403:14
67:1,6,7 69:2	148:25 152:2	245:6,13,21	403:15 404:23
69:25 70:18	152:13 154:8	246:14 249:16	405:1,11
71:11,12 73:3	154:16,21,23	249:23 250:2,5	<b>firebox</b> 122:19
73:23 74:2,9	155:8 156:8	250:9,18,18	<b>fired</b> 1:8 6:9
75:12,15,21	157:1 159:1	251:24 259:15	271:9 274:6
76:2,5,7 81:14	160:3,9 166:3	272:8 279:20	348:21 384:5
85:6,24 86:1	166:8,24,24	280:25 286:5	<b>firefighter</b>
89:22 90:9,13	167:22 169:3	286:12,16,20	19:18
90:16 91:20,22	178:1,2,3,7	289:10,12	<b>fireman</b> 19:17
91:25 92:4,8	179:17 183:12	293:14 306:12	<b>fires</b> 110:10
92:21 94:16,17	183:20 186:2	318:23 321:7	112:22 250:15
95:13 96:5	186:10,12,23	333:19 349:2	250:21 264:8
98:21 101:14	187:6 189:12	350:22 354:16	358:5 405:23
101:19,21	189:25 190:9	357:9,18,22,23	<b>firm</b> 5:18,21
102:6,7,9,12	190:11 192:24	360:4,14,18	16:3,8
105:3 106:3,3	193:21 196:1	361:8 363:9	<b>first</b> 6:16 11:19
106:20 107:11	197:25 199:25	374:11,23	11:20,25 12:7
107:16 108:7	200:1,17,21,24	375:4,5,9	12:9 38:23
108:25 109:2,4	202:7,9,16	376:18 380:17	39:17 41:2
109:16,24,25	204:3 205:6,14	380:20 381:10	50:8,11,25
110:7,12 111:8	205:21,21	381:13,20,23	63:17 66:1
111:10 112:24	206:8 207:6	382:9 384:24	67:23 68:9
113:5,7,17,20	209:3 212:10	387:7,8,8,20	70:12,15,20
113:23 114:12	214:25 216:17	388:11,13	71:2 74:14
114:25 115:20	221:6,12,25	389:14,15,17	75:11 76:7,20
116:17,19	222:5,10 223:4	389:24,25	76:21 77:9,14
117:10 118:15	225:4,19,21	390:2 392:15	80:6,7,7 87:10
119:16 121:5	226:8,23 227:3	393:9 394:6,10	90:3 105:1,2
121:14 122:8,8	228:11 230:12	394:14 395:10	105:11,13,20
123:3,4,5	230:25 231:9	395:23,24	108:13,20,23
129:19 130:11	231:10,13	396:1,1,2	113:21 114:7
133:1 135:15	237:2,12 238:5	397:1 400:1,4	116:2,15 127:1
141:12,15	240:6 241:15	400:24 401:12	138:14 144:19
142:11 145:19	242:9,21,24	401:19,21,24	152:13,13

[first - form]

Page 32

154:8 159:25	283:20,24	365:4 392:22	<b>forever</b> 82:6
183:20 185:15	284:4,8,23,24	402:18	<b>forget</b> 301:21
189:7 190:8	287:5,9 288:13	<b>florida</b> 9:4	<b>form</b> 4:18
194:10 202:5	387:16,17,22	32:10,14	34:11 36:15
209:2 211:10	388:3,7	<b>flow</b> 28:15	38:5,12 40:10
222:12 243:18	<b>flames</b> 152:19	<b>flue</b> 294:18,21	40:18 62:7
250:22 258:7	198:24 262:9,9	295:8 332:1	64:19 72:8,11
259:8 264:5,6	262:11,14,16	337:5 338:6	80:9 88:12
265:3 268:25	262:19 263:2,3	352:18 353:4,7	89:2 93:14
277:1 283:16	263:19 264:5	<b>folder</b> 41:5,13	95:7,9,11,17
292:19 296:7	388:19	41:17 42:7,10	98:17,25,25
298:3 302:18	<b>flamm</b> 285:7	42:11 136:24	105:5,7 107:17
328:15 346:15	<b>flammable</b>	<b>folks</b> 317:9	108:18 110:22
356:25 357:3,4	126:17 128:3	338:14	115:1,21 117:3
372:25 373:1,9	200:5 237:21	<b>follow</b> 216:23	123:16,20,24
374:1 376:5,6	288:2,3,6	393:22	123:25 124:21
376:8 377:9	299:6,8 357:24	<b>followed</b> 10:2	125:9,10,15
402:7 408:8	<b>flash</b> 150:25	79:12 157:7	126:3 127:2
<b>fit</b> 208:7 251:20	357:18,18	394:1 402:25	128:13 129:24
316:17	<b>fleet</b> 152:11	<b>following</b> 32:15	131:12 136:9
<b>fits</b> 109:10	281:2	70:16 73:8	139:4 141:13
<b>five</b> 8:6 10:11	<b>flip</b> 305:7	89:24 120:19	144:18 145:10
10:13,15,19	<b>floor</b> 128:9	198:6 210:2	145:23 148:10
18:25 44:19	151:23 152:1	<b>follows</b> 6:18	148:20 149:12
48:21 58:4	174:22 175:1	90:5 260:19	150:11,15
85:8 107:3	175:18 177:12	<b>followup</b> 10:12	151:13 152:15
175:3 209:18	179:19 221:4,7	<b>foot</b> 175:3	153:21 154:12
211:2 228:19	221:12 222:7	278:24	155:6 157:2,15
270:7 325:20	234:19,23,24	<b>force</b> 195:19	164:16 166:12
325:23 328:7	234:25 235:1	<b>forcing</b> 144:23	166:25 171:12
362:11 366:3	236:22 237:3,4	<b>foregoing</b>	171:25 172:8
369:25	239:11,12	408:11 412:5	173:23 174:4
<b>fixed</b> 254:13	280:6,19 306:6	<b>forensics</b> 9:7	174:24 175:13
<b>flame</b> 118:6,13	306:14,20	28:19	178:25 179:23
121:8 283:11	362:17,24		180:15 181:18

[form - foundation]

Page 33

183:18 184:15	304:22 305:21	224:25 306:12	159:2,8,11
184:23 185:12	306:9 307:24	308:18 395:17	160:23 161:13
185:25 198:25	309:11 311:2	<b>forty</b> 202:16,18	162:7,24
200:23 201:22	311:10 316:18	<b>forward</b> 321:20	163:10,25
202:21 203:14	316:24 321:22	<b>foster</b> 1:13 5:11	164:16 166:4
204:22 205:19	322:7,16	6:15,23 134:6	166:12,22,25
210:9 213:8,16	323:18,20	172:17 316:2	167:23 168:8
213:23 215:18	324:16 333:22	366:8 384:4	168:17 169:6
216:22 220:25	335:12 336:14	407:15 408:7	169:21 170:11
221:22 225:10	337:16 338:12	410:5 411:2,24	170:17 171:23
225:22,25	338:22 340:12	412:2,4,12	172:10 173:23
227:5 232:22	341:9,18 344:2	<b>found</b> 30:22,24	174:16 175:13
235:2 237:7	349:1,4 350:14	122:19 126:8	176:8,24
246:23 247:23	351:15 352:7	142:16 166:20	178:25 179:23
249:1,25	357:16 359:15	183:12 210:21	180:16 181:2
250:16 253:15	359:24 362:2	224:9 237:6	181:10 183:2
253:18 255:25	362:21 365:6	297:9 375:3	184:15,23
256:6 258:6,20	367:13 369:1	<b>foundation</b>	185:25 186:4
259:9,25 261:7	377:4 378:19	36:15 40:10,18	188:11 190:12
263:10 265:13	381:17 382:15	66:7 93:14	191:4 197:6
265:21 267:12	382:17 397:14	100:7,10	198:25 205:19
268:12,17	397:14 404:8	101:15 105:7	215:6 216:24
269:5 271:5	<b>format</b> 24:21	108:14,18	219:1 222:13
273:5 274:9	24:22 95:3	110:22 114:13	224:11 225:23
276:11 277:18	398:5	115:1,21	227:5 228:14
279:5 280:20	<b>formed</b> 110:15	118:25 119:15	230:13 231:14
281:4 283:12	252:13	121:10 123:25	235:2 240:1
286:3 287:20	<b>forms</b> 133:21	124:12 128:15	241:11 242:10
287:21 289:24	301:8 304:25	131:16 141:13	247:4,23
290:5,8 291:21	341:7	142:12 146:8	249:25 253:18
292:17 293:11	<b>fort</b> 1:2 5:16	146:16 148:10	266:23 267:17
297:5,7,9,13,14	27:4 45:1 86:5	150:21 151:5	276:11,25
297:20 301:2	233:3 260:13	151:15 152:15	277:18 279:5
301:12 302:2	<b>forth</b> 24:17	154:3 155:18	279:12,21
302:16 304:6	71:20 89:12	156:5 158:11	283:6 287:21

[foundation - gardner]

Page 34

292:17 293:11 297:5 301:4 302:16,24 304:22 312:21 316:24 318:25 319:7 320:3 325:7 326:13 330:15 336:14 337:15 338:22 339:11,24 340:7 343:8 344:2 345:12 346:8 349:23 353:20 354:2 358:21 359:24 367:13 403:8 <b>four</b> 14:2 17:11 175:2,3 185:22 202:18 270:13 282:5 283:21 325:23 366:2 394:3 397:25 398:9,12 401:15 <b>fourteen</b> 11:23 <b>fourth</b> 189:19 207:7 <b>frame</b> 217:8,19 292:25 379:16 379:20 <b>framing</b> 217:14 <b>frcp</b> 221:16 <b>fred</b> 4:11 34:7 39:9 51:17 52:8,23 53:1	78:9,18 107:8 111:13 113:2 113:14 148:6 149:11 150:13 156:14 157:13 157:13 160:18 160:22 161:2,6 164:23 171:8 172:15,22 178:17,24 180:11 181:8 181:15 184:4,7 184:21 188:6 233:15 258:4 259:17,20 392:7,13 393:5 393:11 <b>free</b> 68:4 <b>frequently</b> 228:1 <b>fresh</b> 168:15 <b>friday</b> 8:4 <b>front</b> 11:8 41:5 41:18 51:23 68:2 147:23 154:16 167:25 168:10 176:17 180:19 215:22 215:22 231:21 269:12 347:3 387:23 397:19 397:20 <b>fuel</b> 97:11,12 101:6 105:2,20 146:20 150:22	229:8 230:6 288:5 376:6,15 377:21,22 387:21 399:25 403:10 <b>fuel's</b> 376:6 <b>fueled</b> 105:15 <b>fuels</b> 403:20 <b>full</b> 6:22 7:25 8:2 155:17 219:20 <b>fully</b> 109:22 <b>fumes</b> 121:25 199:19 <b>function</b> 234:5 <b>functional</b> 176:9 <b>functioning</b> 196:20 349:8 <b>furnace</b> 120:8 388:4 <b>further</b> 94:19 100:1 162:11 171:7 252:6 407:11 408:25 <b>furthermore</b> 397:5 <b>furthest</b> 263:25 264:15,16	366:10 397:18 398:13 <b>gallon</b> 107:14 168:25 169:4,8 169:11 208:2 208:10 223:3 240:14 244:20 268:5 298:4,19 298:25 300:9 329:6 335:23 336:11,12 339:22 341:2 341:16,17 343:22 344:22 354:14 <b>gap</b> 387:25 <b>garage</b> 138:20 154:9,24 213:14 234:7,8 263:20 295:14 401:24 402:1 <b>garbage</b> 46:19 <b>gardner</b> 2:10 2:10 3:3,7 6:4 6:4,21 20:15 20:17 21:16,18 25:7,12,13 34:14 36:16,17 37:17,21,24,25 38:7,8,22 40:13,24 44:2 44:4 45:17 47:8,14,15 54:19,24 55:2 57:8,14,17
		<b>g</b>	
		<b>g</b> 4:4 72:24 126:24 127:8 355:19,24 361:2 362:16 363:10 364:22	

**[gardner - gardner]**

Page 35

62:21 64:5,14	127:7 128:2,22	164:7,17,24	211:21 213:5
64:22 65:3	130:4,7,15,21	166:7,15,17,23	213:11,19,25
66:9 67:24	130:22 131:13	167:14 168:2	215:4,9,19,24
68:1 69:20,22	131:18,25	168:12,19,20	216:1,23 217:2
71:5,8,10 72:9	132:2,5,8	169:7,12,13	219:4,6,10
72:14 80:11	134:9,18	170:4,15,23	220:9,13 221:1
82:5,13,18	136:13,19,20	171:4,14 172:3	221:24 222:17
84:6,15,19,20	138:1 139:11	172:13 173:24	222:20,23
87:3 88:15,22	139:20,23	174:7,12,17	224:12 225:15
88:25 89:4,15	140:3,10,15,19	175:8,16 176:3	226:6 227:14
89:20 91:6,10	140:22 141:4	176:13 177:4	227:18,21
91:12 92:9,13	141:15 142:6	177:12,14	228:2,16
93:2,19,23	142:20 143:2,8	179:13 180:1	230:18 231:5
94:3,7 95:14	143:11,13,16	180:14,24	231:17,22
95:22 96:8,14	144:4,12,17	181:7,11 182:2	232:5,16,23
96:19 97:17,20	145:4,18,24	182:8 183:5,25	233:9,14 235:9
97:22 98:13,14	146:12,17,25	184:18 185:9	235:18,21,23
99:7,11,15,17	147:1 148:13	185:14 186:1	237:18 238:9
99:20 100:5,15	149:1,9,13,19	186:11,14	240:2 241:12
100:17,23	149:24 150:4,6	188:15,21	242:13 244:4,7
101:5,12,17	150:8,17,18	189:6,15,17,21	246:24 247:3,8
102:1,3,21,23	151:2,9,17,24	189:23 190:25	247:24 248:6,7
103:1,9,14,17	152:20 153:3	191:6,15,17	249:7 250:8,15
103:21,23	153:17,23,24	192:2,4,6,12,14	253:17,19
104:1,4,22,25	154:6,19 155:2	192:17,20	254:16,18,20
105:9,10,21	155:4,10,16,20	193:4 196:23	256:3,9,18,21
107:21,25	155:24 156:6	197:11,13,15	257:14 258:13
108:1 109:19	156:13,21	199:8 201:7	258:15,17
111:2,5 114:21	157:3,17,22	202:2 203:2,16	259:1,3,4,14
115:11,15	158:1,15,23	203:18 204:1	260:6,14,17
116:1 117:7,8	159:5,9,14,18	204:20 205:2	261:12 262:3,5
119:4,16,23	160:14 161:4	205:20 206:6	262:6 263:6,15
123:14 124:16	161:16,19,20	206:11,14	264:10,18
125:6,19,22,24	162:10,18,20	210:13,15	265:23,25
126:10,12	163:4,11 164:2	211:4,8,9,16,19	266:3,5,9,11,12

[gardner - gg]

Page 36

267:2,4,21	330:19 331:11	379:18,22	<b>gathering</b>
268:13,18	332:11 333:10	380:3,10	135:16
269:6 270:7,15	333:11 334:6	381:22 382:4,7	<b>gauze</b> 78:14
273:18,20,21	335:17 336:17	382:23 384:3	295:18,24,25
274:11,12	337:2,6,23,25	385:17,21	296:2,14,17
276:13 277:3	338:4,6,13	388:12,15	309:10 311:7
278:1,3,8	339:1,15,18	391:14,16,20	323:14 325:20
279:7,10,13	340:4,8,25	395:25 397:4	326:14 327:3
280:24 281:6	341:12,23	397:11,14	386:24,24
283:15 287:1,4	342:21 343:13	398:21 399:9	387:2,5
287:7,10,14	343:16,20	399:11 403:9	<b>general</b> 14:20
288:11 290:1	344:7,13	404:9,11,15,19	41:25 53:13
290:25 291:2,4	345:13 346:13	406:8 407:3,8	82:25 95:12
291:11,13,24	346:17 347:9	<b>gardner's</b>	112:24 116:17
292:24 293:1	347:18,23	384:8	116:19,23
293:12,18	348:3,6,8	<b>gardnerandra...</b>	119:25 194:23
296:10 297:15	349:2,10,11	2:13	207:5,25 253:3
300:2,5,7	350:4,5 351:3	<b>garner</b> 150:23	253:4 361:22
301:3,7,19	351:16 352:8	153:15 251:23	363:8
302:5,9,20	352:12,14,16	<b>gas</b> 1:8 6:9	<b>generally</b>
303:5 304:7,23	353:21 354:11	46:16,17,19	194:23 400:9
305:20,24	355:6,10,12,14	48:1 100:1	400:11 403:13
306:15 308:5	355:18,25	195:6,10 271:9	<b>generated</b> 95:2
309:21 310:23	356:2 357:14	272:10,16	182:7
311:6,12,24	357:20,21	273:2 274:6	<b>generator</b>
313:3 314:16	358:2,25 359:2	348:21 359:13	162:1,5,9
314:18,21,23	359:3,16,21	384:5 387:9	<b>gentleman</b>
314:25 316:19	360:1 362:3,9	<b>gasoline</b> 151:1	220:14
316:22 317:5,6	363:4 365:13	<b>gasses</b> 99:25	<b>gentlemen</b> 68:9
319:2,8,18,22	366:4,7,9	<b>gate</b> 46:6,7,8	<b>getting</b> 61:19
320:6,22	367:11,16,19	<b>gather</b> 265:1	69:20 122:1,7
322:11 323:5	367:25 368:2,6	<b>gathered</b>	265:5 329:10
324:1 325:8	368:8 369:8,23	118:15 307:18	<b>gg</b> 4:17 311:18
326:17,19,22	370:5 378:20	313:11	311:20,23
327:13 328:1,9	378:22 379:2		313:8



[giant - gonna]

Page 37

<b>giant</b> 143:18	255:16 263:13	197:24 198:4,7	<b>goes</b> 122:18
<b>give</b> 8:10 12:7,8	273:8,12 288:8	198:8 208:9	176:2 179:6
13:22 29:2	394:5 408:21	209:19 211:3	209:9 267:1,3
31:5,11 32:22	412:9	211:19 212:20	310:6,7 393:1
42:24 43:3,16	<b>gives</b> 41:6	214:13 218:13	<b>going</b> 5:3 13:14
43:18 45:10	151:19	220:4 227:17	16:15 18:12,12
50:3 53:25	<b>giving</b> 11:5,17	227:18 231:11	32:22 57:11
58:12 77:11	19:13 87:21	235:3,10	61:8 62:12
78:9,22 95:21	116:17 261:10	237:23 239:22	69:1 82:5
101:14 131:25	379:18	241:17 243:17	85:10 103:6
139:13,14	<b>glasses</b> 43:22	246:16 248:8	111:18 112:2,4
149:21 150:2	45:14	250:21 258:5	112:7 113:25
183:21 215:1	<b>glenn</b> 68:7 69:8	259:23 267:2	152:12 155:9
237:15 279:12	69:18 75:9,11	267:25 271:22	180:20 190:20
286:8 313:22	76:6,13	281:9,13 282:3	191:21,25
313:24 366:5	<b>global</b> 84:24	290:6 297:16	200:10 221:9
367:22 370:18	85:1,5,6	300:16 303:6	224:22 227:8
405:15	<b>glowing</b> 388:23	308:14 309:19	238:2 269:24
<b>given</b> 12:11,15	<b>go</b> 5:9 7:3	311:18 313:2	281:12 324:5
18:14,19,22,25	11:16 13:15,23	315:21 317:7	331:21 341:20
19:12 25:3	19:11 29:1	317:22 318:10	346:24 348:10
31:17 32:2	42:10 53:19	318:13 320:7	384:9 391:10
34:17 43:13	61:12 62:16,17	322:18,22	393:17
51:4 75:22	63:9,9 68:4,22	323:2,13 324:2	<b>golden</b> 34:8
76:3 78:7	85:5,17 87:1	324:14 325:1	<b>gonna</b> 8:17
98:17 102:13	95:8 108:8	325:14 327:20	37:15 45:2
108:24,24	109:11 110:7	328:1 331:22	47:11 54:17,20
111:13 134:15	125:22 127:8	332:9 333:4	62:12 63:9
148:23 157:8	142:21 153:8	337:7 338:8	72:22 82:6
179:25 182:1	153:18 157:18	342:25 345:3	84:6 87:8 99:9
190:23 193:10	158:16 175:25	347:24 350:19	99:9,14 100:19
193:16 207:5	177:6 178:18	353:11 355:19	100:21 103:8
225:25 230:25	179:5 182:7,9	361:1,1 365:14	103:19,25
237:22 244:17	182:12 184:1	369:23 378:22	134:2 139:12
251:18 255:11	184:19 188:2	386:19 389:5	140:16,20

[gonna - head]

Page 38

142:21 158:4 175:18 191:6 191:25 214:10 230:24 237:25 261:17,24 279:10 307:8 317:22 354:12 363:10 366:4 383:22,23 391:2 397:19 399:22 <b>good</b> 5:3 44:18 138:9 140:17 188:21 237:13 326:20,21 374:17 405:24 406:4,6,9 <b>googler</b> 55:3 <b>gook</b> 246:21 <b>gotten</b> 48:23 <b>granger</b> 2:12 <b>grave</b> 141:8 <b>gravity</b> 259:23 <b>gray</b> 319:25 <b>great</b> 84:9 188:24 270:8 <b>greater</b> 253:13 <b>greg</b> 2:20 5:19 34:7 130:8 <b>gross</b> 89:13 <b>ground</b> 11:16 12:20 250:1,10 280:12 305:25 306:20,22 333:20 347:1,9	347:11 359:11 361:17,18,19 381:8,14 <b>group</b> 9:15 114:22 266:25 <b>guaranteed</b> 86:9 <b>guard</b> 46:5,5,7 46:8 153:5 214:11 <b>guess</b> 7:16 16:25 28:5 30:12 32:1 39:3 45:15 83:6 98:4 150:2 167:10 227:19 233:4 283:25 285:8 329:22 343:12 343:12 363:1 363:21 395:6 405:10 <b>guessing</b> 292:6 <b>guide</b> 70:8 81:2 91:25 114:5 395:4,11 <b>guideline</b> 70:5 70:7 92:25 93:1 206:4 207:3 261:18 <b>guidelines</b> 81:2 94:25 316:17 344:11 <b>gun</b> 181:20	<b>guy</b> 43:22 45:13 50:7 65:18 <b>guy's</b> 79:22 <b>guys</b> 52:5 140:15 223:10 260:8 313:13 316:7 387:19 <b>h</b> <b>h</b> 411:3 <b>hair</b> 72:22 <b>half</b> 7:15 8:16 9:16 14:2 46:4 111:21 128:11 138:20 142:10 213:21 282:21 389:8 405:15 405:19 <b>halfway</b> 165:10 173:18,19 213:13 215:16 <b>hamilton</b> 1:15 7:21 19:21 408:3,6 409:18 <b>hand</b> 6:14 47:11 54:20 139:12 142:21 158:4 219:2 319:18 363:10 387:5 409:6 <b>handwriting</b> 34:25 265:16 265:20 266:20 267:7 282:18 283:4 290:8	297:23 298:7,9 298:10 300:20 300:23 315:25 316:3 324:19 332:19,22 342:11,25 352:23 353:1 <b>handwritten</b> 4:11 35:2,6,15 39:7 40:7,9 49:23 52:25 82:20 169:16 184:3 188:5 <b>hanging</b> 273:1 280:23 <b>happen</b> 106:23 145:15 190:24 193:2,3,15,17 226:5,7 227:7 235:7,8 <b>happened</b> 125:1 193:13 225:12 251:22 251:22 297:8 298:16 317:18 354:9 <b>happening</b> 250:9 <b>happens</b> 71:18 194:20 289:4 <b>hard</b> 215:14 321:3 <b>harder</b> 175:11 <b>head</b> 17:15 175:3,4 208:13
--	--	---	--

[heading - heaters]

Page 39

<b>heading</b> 282:9	141:11 143:21	345:18 346:10	126:19 127:4
<b>hear</b> 70:7	146:13,21	347:1 353:4	128:5,9,12
254:17	147:3,11 152:1	356:4,4,14,25	129:12 131:1,4
<b>heard</b> 59:24	156:7,25	357:5,5 358:16	131:8,14 132:9
65:6,8 262:20	170:16,24	358:17 359:12	133:8 143:14
264:2,19	174:10 175:6	361:7,16	143:22 146:1
386:23,23	177:20 194:21	363:15,16	147:14 157:9
<b>heat</b> 76:9 105:3	195:1,5,13	364:22,24	157:11 167:8
131:8 147:3	199:6 202:7	365:8,10	168:21 170:13
157:12 177:19	208:21,22	366:14,16	170:21 171:10
189:12,25	209:3,4,4,4,6,7	368:17,18,20	171:18 172:14
190:2,3,4	209:8 222:6	368:23 369:6	172:17 174:2
193:24 195:1	223:5 240:7	370:22,22	175:11 178:23
195:14 199:25	243:3,5,6,8,16	371:1,10,11,23	179:20 181:16
209:9,10	243:20,22,24	376:4 377:17	181:21 189:20
237:12 247:13	246:3,6,14	378:17,18,22	190:2,7 193:19
326:15 359:20	273:22,23	380:6 382:10	194:16 196:9
364:24 373:12	274:8 275:1	382:11 401:20	196:15,20
373:12 375:22	289:7 298:4,20	401:23 402:8,8	197:4,8,9,23
375:22,23	298:21,25	402:19	198:11,22
383:24 387:20	299:1 304:8,8	<b>heater's</b> 335:18	199:2,10,13,24
388:8,20,22,23	304:8,9,10,11	<b>heaters</b> 73:9	208:9,15,24
399:25	304:12,15	75:16,21 77:22	209:2 212:21
<b>heated</b> 129:11	306:4,19	77:25 78:1,20	215:5 224:5,10
194:18 226:8	309:25 310:4,6	79:5,6,25	224:17 230:11
234:7	310:6,9,22	83:13 106:4	232:13,20
<b>heater</b> 76:10	312:11,18	111:19 112:7	237:1,4 238:4
77:3,21 78:3	318:11,24	113:5,16	238:6,12
105:14,16,23	321:7 322:19	117:11,20,25	243:14 244:14
105:24 118:13	326:8,11,16	118:5,7,14,23	246:9,11 251:2
118:18,18	327:5 328:19	120:12 121:7	251:4,8 258:5
119:9,10 120:2	330:14 334:4,7	121:12,15	259:24 270:1
120:5,16	334:8,10	122:3,19	271:10 272:11
121:22 122:12	335:20,21	123:11,12	272:16 273:2,3
131:5 139:3,7	337:14 345:17	124:6 125:2	273:13,14

**[heaters - holding]**

Page 40

274:2,5,7 275:7,11 279:19 280:11 280:18 289:11 289:19 291:17 295:13,15,16 306:17 309:2 310:21 314:6,8 315:5 316:7 318:8 336:1 348:14,19 349:15,22 350:7 354:17 356:15 359:6 359:13 360:4 360:11 364:14 365:3 367:7,8 368:1,5 369:6 369:7,20 370:9 370:14 372:16 373:8,13,19 377:2 378:15 378:24 379:1,3 379:4 380:23 382:21,22 383:8 384:15 384:18,23 385:3 386:11 386:14,16,22 387:7,9,13 393:17 402:5 402:17 <b>heating</b> 1:7 5:13 6:5 76:8 83:11 237:2	334:10 411:1 412:1 <b>heats</b> 195:4 <b>heavier</b> 210:12 <b>heavy</b> 55:21 126:7 151:4,11 152:18 166:19 210:14 223:25 224:3,8 <b>hehner</b> 2:14 3:4 3:7 6:8,8 37:15 37:19,23 45:12 64:20,24 67:22 67:25 71:4,6,9 108:16,19 123:9,13 127:19 140:6,9 160:13 211:5 220:11 235:17 235:19 254:17 254:19 260:12 260:16 265:22 265:24 291:9 299:25 300:4,6 310:19 314:15 314:17 333:8 336:24 337:4 338:3,5 348:4 355:8,11,13,15 365:22,24 366:7 384:4,5 384:7 385:23 385:25 388:14 388:16,17 389:1,4,10	391:10 392:4 404:20 406:2,5 406:7,18,23 <b>height</b> 250:10 280:10 402:18 <b>held</b> 73:25 84:5 396:25 406:13 <b>help</b> 47:17 54:18 312:23 313:1,2 329:15 337:7 393:14 <b>helped</b> 44:24 313:4 382:8 385:7 <b>helpful</b> 72:6 81:5 <b>hercul</b> 106:21 <b>hercules</b> 106:21 <b>herculine</b> 107:12,20 <b>herculiner</b> 107:9,15 209:13 210:4 210:18 241:7 247:22 248:3 <b>herculiners</b> 106:24 <b>hereto</b> 412:7 <b>hereunto</b> 409:5 <b>heritage</b> 45:15 45:19 <b>hexalent</b> 249:9 <b>hexane</b> 249:5	<b>hh</b> 4:18 315:21 315:22 316:14 <b>high</b> 175:17,17 175:25 186:24 230:17,17 234:4 250:4,19 <b>higher</b> 87:25 150:25 172:23 172:23 175:10 176:21 215:16 230:7,17 250:11 252:7 <b>hindsight</b> 83:7 <b>hire</b> 249:13 <b>hired</b> 30:8,10 86:2 <b>hit</b> 175:18 178:22 181:16 <b>hold</b> 11:13 48:9 73:24 103:14 130:15 136:13 143:11 144:12 158:19 191:6 211:13 214:21 214:24 215:4 252:6 279:10 299:3 326:19 345:14 346:24 348:13 349:21 363:16 369:19 373:3 385:17 396:23,25 <b>holding</b> 100:15 319:19
---	---	---	--

[holds - impression]

Page 41

<b>holds</b> 23:7 252:3 <b>hole</b> 320:8 387:25 <b>home</b> 7:8 18:18 31:19,19 234:7 393:1 <b>homeowner</b> 30:11 31:2 <b>hose</b> 240:19,22 <b>hot</b> 226:3 228:15,25 <b>hour</b> 1:19 46:3 87:12,16,17,18 87:19,20 88:4 89:6,11,16,18 90:24,25 389:8 392:21 408:15 <b>hourly</b> 8:7 88:10,13,17,19 89:6,10 <b>hours</b> 8:3 14:2 17:11 44:19 52:21 102:18 111:21 123:3,5 191:18 194:14 389:9 <b>household</b> 120:7 <b>huh</b> 47:21 54:23 55:7 75:8 90:7 116:14 132:19 165:13 182:21 183:10 184:2,9	189:10 214:17 219:18,22 227:21 234:20 268:2,6 270:20 278:12 303:12 303:14 312:3 318:21 319:6 324:18 331:24 332:16 345:11 352:22 364:21 373:25 384:12 399:14 404:16 <b>human</b> 128:10 175:2 <b>hundred</b> 230:7 <b>hvac</b> 119:24 <b>hyphen</b> 90:8 <b>hypotheses</b> 110:19 253:5 400:5 405:8 <b>hypothesis</b> 98:17,25 109:8 109:9,10,13 110:14,24 125:25 126:5 187:3,5 199:22 252:12,24 253:13 287:15 306:18 308:22 375:14 376:2 394:8	283:1 321:11 339:19 369:2 <b>ideal</b> 206:12 309:14 <b>identified</b> 54:21 96:6 100:11 105:5 106:9 272:24 312:15 400:12 <b>identifiers</b> 316:15 <b>identify</b> 61:2 95:15 99:14 201:17 310:9 397:24 <b>ignitability</b> 125:8 <b>ignitable</b> 126:2 285:8 287:19 299:8,13 <b>ignite</b> 123:15 123:23 125:13 145:25 196:25 229:3 230:6 235:1 283:24 285:17 376:4,9 379:9 <b>ignited</b> 105:2 105:12,13,20 105:22 106:1 123:21 126:19 128:6 200:2 209:3 232:14 287:16 288:7 289:11 376:8	380:18 381:5,7 <b>ignites</b> 359:13 <b>ignitial</b> 382:9 <b>igniting</b> 381:3 <b>ignition</b> 14:24 97:9,10,12 105:3 106:3 119:7 194:15 194:24 195:2,4 195:9,10 209:6 285:5,6,6 377:25 380:23 382:9 394:10 <b>ii</b> 124:8 151:20 200:5 227:11 227:12 229:6 <b>iii</b> 124:8 <b>iiia</b> 200:5 227:12 229:6 <b>iiib</b> 200:5 227:12 229:6 <b>illinois</b> 14:3 <b>image</b> 47:11 <b>imagine</b> 79:2 <b>impact</b> 393:12 <b>important</b> 13:16 62:3 66:23 67:2,4,8 79:2,8,9 92:21 92:22 174:22 293:22 308:1 361:25 400:5 <b>impression</b> 63:8
	<b>i</b>		
	<b>iaai</b> 90:8 <b>idea</b> 33:10 66:3 110:1 180:25		

[inappropriate - information]

Page 42

<p><b>inappropriate</b> 391:16</p> <p><b>inception</b> 375:4</p> <p><b>inch</b> 185:22 258:10</p> <p><b>inches</b> 177:6 178:18 179:11 182:4 278:24 278:25 280:1</p> <p><b>inclu</b> 114:23</p> <p><b>include</b> 27:2 151:3 181:12 345:23 375:16</p> <p><b>included</b> 114:23 275:4 288:17 329:18 334:18 335:24</p> <p><b>including</b> 18:17 20:8 28:3 34:5 63:5 115:18 131:1 164:3 186:17 197:11 226:22 338:15 393:24</p> <p><b>inclusive</b> 19:2</p> <p><b>income</b> 8:17,18 85:15 86:9,11 86:17,20 89:24</p> <p><b>incongruent</b> 81:2 177:21,23</p> <p><b>incorrect</b> 110:21 391:20 400:13</p> <p><b>incorrectly</b> 314:9</p>	<p><b>increased</b> 398:5</p> <p><b>independent</b> 9:23 28:15 29:6 32:7</p> <p><b>index</b> 3:1 4:1</p> <p><b>indian</b> 45:19,19</p> <p><b>indiana</b> 1:1,4 1:16,18 5:13 5:15,18 7:9 9:5 14:3 70:16 71:7 85:19 233:3 391:16 408:1,6,14 410:4 411:1 412:1</p> <p><b>indiana's</b> 348:23</p> <p><b>indianapolis</b> 1:18 2:5,16 5:18 7:20 15:12,13 18:7 27:13 32:10 242:14 260:7 260:12,15 408:13</p> <p><b>indicate</b> 24:10 82:21 126:15 187:6 293:13 308:10 385:7</p> <p><b>indicated</b> 121:23 126:24 127:3 202:8 272:6 300:11 310:5</p>	<p><b>indicates</b> 8:23 9:13 134:5 174:19</p> <p><b>indicating</b> 94:15</p> <p><b>indication</b> 217:15,17 296:8 364:25 364:25 388:8 400:24</p> <p><b>indications</b> 388:22</p> <p><b>inductive</b> 98:19</p> <p><b>indy</b> 312:13</p> <p><b>inen</b> 150:12 239:2</p> <p><b>inendino</b> 26:5,6 26:21,21 35:16 39:9 113:19 114:22 134:6 148:8,19 149:10 150:12 160:12 161:6 161:10 165:11 168:13 169:17 171:8 178:17 180:10 181:13 184:21 239:2 259:21 260:8 312:2 313:4,9 313:21 317:10 329:18,24 338:15</p> <p><b>inendino's</b> 160:21</p>	<p><b>informa</b> 53:13</p> <p><b>information</b> 8:22 31:13 32:2 35:6,19 38:19 39:5,14 41:6,7,11,18,19 41:21 42:8,10 42:25 43:4,16 46:2 53:13,20 61:22 62:4,9 63:6,11 64:11 65:1 66:21 67:2 75:5,9,22 76:3,13 77:10 78:8,10 79:7 79:14,15 80:18 81:6,9,10,12 82:11,15 98:16 102:13 106:13 111:12 127:24 134:15 136:5 137:13 142:15 146:4 148:23 149:22 150:1 150:12 160:21 165:5 177:23 177:24 179:15 180:5 181:13 182:1 183:21 183:22,24 185:7 186:22 190:6 205:25 231:21 233:18 234:2 250:7 260:3 262:22</p>
--	--	--	---



**[information - installing]**

Page 43

263:1,7,13	63:7 86:17	218:6,8 220:1	<b>inspect</b> 383:14
266:25 273:6,9	94:25 134:12	220:20 222:22	<b>inspection</b>
283:13 286:21	152:17 259:13	223:4 232:19	160:4 183:20
288:18 340:17	262:8 292:19	234:3,6 239:21	<b>inspections</b>
341:22 349:24	372:23 389:25	240:4,6 247:19	163:13 236:23
384:14,17,22	394:4 397:8	251:14 267:15	<b>install</b> 76:9
393:11 394:4,6	<b>initials</b> 74:21	272:16 274:5	83:12 274:6,25
395:2 396:18	75:4 160:1	277:8,12 278:4	<b>installa</b> 279:18
404:24	301:22	279:19 280:4	<b>installation</b>
<b>informed</b> 40:2	<b>initiated</b> 73:8	294:21 295:11	4:13 78:3,20
54:1 77:25	<b>inside</b> 58:21	295:19,20,21	120:15 193:21
112:6 113:13	59:14,18 60:5	295:23 296:13	270:19 274:8
114:22 115:17	60:12 62:5	296:22 298:8,8	279:18 315:13
221:13	63:4 64:2,17	306:23 308:7	348:18 350:6
<b>infrared</b> 79:5,5	107:10,15	308:21 310:4	356:14 357:11
83:13 117:10	113:3,16	310:12,16,21	402:14
117:20 120:1,5	121:22,22	311:8 318:23	<b>installed</b> 75:16
120:11 190:7	122:2,7,25	319:25 321:6	75:20 79:23
212:21 215:4	128:18 130:23	327:4,19	117:11 119:21
272:10,16	132:12,13,15	330:14 333:12	120:1,7,13,16
273:3 401:20	134:22 138:17	333:17,24	121:13,15
401:22 402:6	147:4 152:21	334:3,10	157:10 190:14
<b>ingredient</b>	153:4,9 159:4	335:25 336:1	190:15 194:16
209:22 210:4,5	163:12 167:8,8	337:19 338:18	196:15 199:3,6
248:25 249:3	169:2 178:6,12	346:11 347:19	200:17 251:2,9
<b>ingredients</b>	179:17 194:20	353:7 359:13	273:15 314:9
209:23 248:16	195:12,13,18	378:13,17,18	314:12 315:6
<b>initial</b> 44:11	196:5 197:3,8	378:22,24	315:11 348:17
48:6 109:8,8	198:6,8,19	381:20 382:10	349:8 350:1,18
127:12,25	199:20,24	383:1,4,8,14,17	360:4,11 367:8
140:20 372:21	200:24 208:16	383:20,22	402:9
372:21,24	208:17 212:9	386:3 387:16	<b>installer</b> 402:16
397:22	216:18,21	388:4 393:16	<b>installing</b>
<b>initially</b> 39:2	217:13,18,18	402:17	272:10,15
44:9 46:11	217:20,20		273:2

[instance - items]

Page 44

<b>instance</b> 87:10	<b>investigate</b>	400:6	38:1 74:4 90:1
<b>instances</b> 375:3	110:10 132:25	<b>investigations</b>	96:5 116:22
<b>instructed</b> 39:5	286:12	9:6 31:24 37:4	121:16 123:4
<b>insurance</b> 9:4	<b>investigated</b>	70:18 85:7,25	134:17 150:10
16:22,24,25	250:22	91:25 94:16	179:3 185:3,5
17:3 29:3	<b>investigating</b>	389:15,22	190:22 237:11
30:10,11,13	136:22	390:4 395:4	259:16 273:17
31:2 32:14	<b>investigation</b>	401:12,18	289:15 323:4
39:16 357:1	9:8,23 15:6,25	403:16 404:21	389:16 390:3
360:22	25:24 28:18	404:25	390:11 395:9
<b>insures</b> 75:2	35:4,25 40:16	<b>investigator</b>	399:4 401:19
<b>intact</b> 359:14	41:1 59:7	8:24 11:18	401:21 403:6
359:19	61:11,14,15	12:14 28:1	<b>involvement</b>
<b>intake</b> 167:21	63:13 67:4	31:3,7 32:8	29:5,11 35:24
304:19	69:2 74:2	36:19 38:2,18	152:18 379:14
<b>intentionally</b>	79:17 81:14,24	69:25 70:14	<b>involving</b> 19:19
213:22 214:3	82:23 83:2	85:18 92:4	359:6
<b>interact</b> 399:25	89:23 91:19	202:16 252:18	<b>ish</b> 246:21
<b>interchangea...</b>	93:22 98:21	260:20 286:5	<b>issue</b> 29:23
387:1	101:21 102:12	293:14 375:5,9	114:4 204:17
<b>interested</b> 5:23	109:24 110:5	381:23 389:17	<b>issued</b> 14:9,11
409:3	111:1 136:1	389:24 390:1	14:12 20:7
<b>interior</b> 294:18	145:13 148:22	400:5	21:10
294:20 295:8	150:7 173:25	<b>investigator's</b>	<b>issues</b> 31:17
363:2	205:21 206:16	251:25 252:11	112:22 114:6
<b>interpret</b> 98:9	206:19,22	<b>investigators</b>	114:17 141:19
<b>interpreted</b>	261:22,23	31:12 85:8	179:3 202:12
151:3	270:24 349:3	86:1	322:21 328:2
<b>interpreting</b>	359:5 360:23	<b>invoice</b> 4:10	<b>issuing</b> 360:19
338:19	374:13 375:10	<b>invoices</b> 87:4	374:14
<b>introduced</b>	384:13 389:24	134:4	<b>item</b> 208:7
250:24	392:6 393:12	<b>involve</b> 19:21	298:18 391:7
<b>introductory</b>	393:23,24,25	<b>involved</b> 9:7	<b>items</b> 32:3
399:15	394:21 395:5	12:17 14:7,23	166:21 313:11
	395:10,14	16:16 19:12	339:10

[j - jones]

Page 45

<b>j</b>	266:16 270:16	185:15 191:23	104:23 105:7
<b>j</b> 2:10 3:3,7	276:5,19	238:25	105:18 107:8
318:17	279:10 281:13	<b>johnson</b> 2:15	107:17 108:14
<b>jacket</b> 220:15	295:7 297:18	17:20	108:18 110:22
<b>jacobs</b> 317:11	300:8,16	<b>joint</b> 26:3	111:13,22
338:16	311:25 313:8	77:15 134:13	112:6 113:2,6
<b>james</b> 1:13 2:3	316:2 317:24	324:22 390:7	113:8,14
2:14 3:4,7 5:11	318:16 319:10	<b>jones</b> 2:3 3:5	114:13 115:1
6:8,15,23	320:17 321:20	4:11 6:6,6 21:1	115:14,21
17:20 134:6	324:9 325:2	25:5,8 34:7,11	117:3,5 118:25
407:15 408:7	326:24 328:1	34:13 36:15	119:15,19
410:5 411:2,24	328:10 331:21	38:5,12 40:10	121:10 123:25
412:2,4,12	332:7 341:24	40:18 43:24	124:12,21
<b>january</b> 1:19	345:15 346:24	44:3 47:13	125:15,21
5:2,4 408:14	347:9 352:8	51:18 52:9,23	126:3 127:2,22
<b>jdhd</b> 182:16	363:10 365:17	53:1 57:5 62:7	128:13,15
<b>jhehner</b> 2:17	366:7,8,10	64:4,19 66:7	129:24 130:14
<b>jim</b> 6:6 7:1,4,14	384:4 388:12	69:18 72:8,11	130:18 131:12
13:2 17:20	<b>jims</b> 22:5	78:9,18 80:9	131:16,23
20:12 21:1	<b>job</b> 1:25 8:10	82:3,7 84:9	132:1,4,7
24:14 28:6	44:18 87:1	86:13 88:12,20	134:8,10 136:9
36:18 47:9,16	88:21 102:11	88:24 89:2,8	136:15 137:20
69:23 74:14	393:1	89:19 91:5,8	137:23 139:4
84:6 89:5 90:3	<b>john</b> 26:22	92:6,11,23	139:17 140:2
90:22 127:8	33:16 34:7,21	93:14,20,25	140:12,14,18
135:2 143:13	35:16 39:10	94:4 95:11,17	140:24 141:13
147:10 158:17	83:10,25 84:19	95:24 96:1,12	141:16 142:12
162:1,21	113:19,21	96:16 97:14	142:24 144:9
165:11 169:14	114:10 115:16	98:11 99:19	144:16,18
172:17 173:19	134:5 148:15	100:2,9,16,19	145:10,23
183:9 189:7	148:18,18	100:24 101:10	146:8,16,22
193:23 211:22	149:10 150:13	101:15,24	147:17 148:6
216:16 218:15	154:1 160:12	102:19,22,24	148:10,20
227:18 235:14	182:18,25	103:3,16,18,22	149:6,11,12,16
239:22 246:16	184:3,20 185:4	103:24 104:19	150:13,15,21

[jones - jones]

Page 46

151:5,13,15	184:15,21,23	246:23 247:2,4	314:16,17,18
152:15,24	185:12,25	247:23 248:4	314:20,20,20
153:10,21	186:4,6 188:7	249:1,25	314:21,24
154:3,12 155:6	188:11,13,20	250:14,16	315:5 316:18
155:15,18,23	188:24 190:12	253:15,18	316:24 317:1
156:3,5,10,14	191:4,11,19	254:15 255:25	318:25 319:7
156:20 157:2	192:3,5,11,13	256:6,13,20	319:15,17
157:13,14,15	192:16,18,21	257:7 258:4,6	320:3,20 322:7
157:24 158:11	196:21 197:6	258:20 259:9	322:16 323:20
158:21 159:2,8	198:25 200:23	259:18,20,25	325:5,7 326:13
159:11,17	201:20,22,25	261:7 262:2,4	327:6 330:15
160:18,22,23	202:21 203:14	262:24 263:10	331:7 332:8
161:2,5,6,13	203:19,21	265:21 266:23	333:22 335:12
162:7,13,24	204:19,22	267:17 268:12	336:14,19
163:2,10,25	205:19 206:3	268:17 269:5,9	337:15,18,21
164:6,16,18,23	206:10 210:9	270:8 273:5	337:24 338:1,8
166:4,12,22,25	211:6,14,20	274:9 276:11	338:10,22
167:23 168:8	212:17 213:3,8	276:25 277:18	339:11,24
168:17 169:6,9	213:16,23	278:7 279:5	340:7,12 341:9
169:21 170:11	215:3,6,18	280:20 281:4	341:18 342:17
170:17,20	216:22,24	281:17 283:12	342:19 343:8
171:1,8,12,23	219:1 220:6,25	286:3 287:21	344:2,10
171:25 172:8	221:22 222:13	289:24 290:23	345:12 346:6,8
172:10 173:23	224:11 225:10	291:3,21	347:3,22,25
174:4,9,14,16	225:23 227:5	292:17 293:11	348:5 349:1,4
174:24 175:13	227:16 228:14	293:17 296:5	349:23 350:23
175:20 176:6,8	230:13,21	297:5 301:2,4	351:15 352:7
176:22,24	231:14,19	301:12 302:2	353:20 354:2
177:11,13	232:1,3,9,22	302:16,23	355:5 357:12
178:17,24,25	233:7,10,13,16	304:6,22	357:16,25
179:23 180:11	233:24 235:2	305:19,21	358:21 359:15
180:13,15	235:16,20,22	306:9 307:24	359:17,24
181:2,8,10,15	237:7 238:7	309:11 311:2	362:2,4,21
181:18 183:2	240:1 241:11	311:10,22	365:6,25
183:18 184:5,7	242:10 244:3,6	312:21 314:15	367:10,13,18

[jones - know]

Page 47

369:1 377:4 378:19,21 379:17,25 381:15,17,25 382:17 385:20 385:22,24 389:3,11,13 391:15,19,22 392:5,7,9,14 393:5,11 396:3 396:5 397:9,12 397:16,17 399:7 401:11 403:8 404:8,10 406:4,6,9,16,25 407:2,9 410:1 <b>judge</b> 257:5 <b>jump</b> 87:24 <b>jumped</b> 20:10 <b>junction</b> 185:22 <b>june</b> 7:15 9:10 9:12,20 10:14 10:17 85:1,2 113:22 <b>junior</b> 90:8 <b>jury</b> 177:8 <b>justin</b> 221:15 <b>jzoccola</b> 2:7	<b>keep</b> 18:17 38:15,18 39:4 39:7 40:22 41:3 74:18 81:6,11 82:11 88:1 144:24 220:6 389:20 395:1 <b>keeping</b> 81:9 100:25 191:13 261:19 <b>kelly</b> 34:8 <b>kept</b> 35:23 39:13 40:21 56:23 82:1 83:4,8 110:4 173:1 297:13 309:18 <b>kerosene</b> 146:24 150:19 155:17 156:25 229:8 230:5 <b>keys</b> 153:5,8 <b>kicked</b> 232:13 289:11 <b>kicking</b> 380:23 <b>kind</b> 9:2 14:20 35:3 36:1 42:12 43:22 56:18 59:4 119:12 120:10 142:9 156:23 158:10 165:24 167:25 198:16 200:21 240:19	242:8 273:11 278:9,23 280:15 354:1 365:11 369:12 386:9 388:3 <b>kindly</b> 323:12 <b>kinetic</b> 99:24 <b>kk</b> 4:18 317:7,8 317:25 318:20 319:9 320:2,7 320:16,18 321:4 323:13 324:2 <b>kleinight</b> 34:9 <b>knew</b> 45:13,15 53:18,20 72:12 280:10,22 <b>knock</b> 191:8 <b>know</b> 7:18,19 7:21 13:8,17 16:10 17:14 18:3 20:21 23:15,24 25:22 27:8,8 30:22 30:24 32:23 33:2,12,13,21 34:17 35:5,17 39:15 40:19 43:19,19 45:8 45:9,14,20 49:25 50:21 59:8 60:2,11 60:15,16 61:1 64:9 65:4,17 65:19 66:1,5	67:12 68:15,22 68:25 71:15,20 72:19 73:10 74:21,24 75:1 77:5,6,7 79:15 81:3 87:23 88:12 92:18 94:9 96:2,24 97:2 98:3,15 100:9,12,12,25 102:10 103:5 107:9,23 110:10 114:19 115:5 119:20 121:12 122:2 123:6 129:19 129:25 131:14 133:6,9,25 139:19 142:14 143:8,16 144:8 144:11 145:1 146:5,9,20,23 147:2,11 148:11 150:19 152:9,12,16,21 155:3,19 156:7 158:9,9,18,24 160:25 161:3 162:22 164:20 165:22 166:1 169:2,20,23 170:12 171:17 171:24 173:6 175:1 177:1,3 185:8 190:14
<b>k</b>			
<b>k</b> 78:23 126:13 <b>kappes</b> 1:17 2:4 5:17 408:12 <b>katchur</b> 2:14			

[know - lab]

Page 48

190:15,16,17	269:13 270:4	371:1,3 372:1	79:20 80:3
190:21,22,23	274:4,13,14,14	373:18 377:23	83:13 165:11
192:25 193:1	274:19 276:7	378:5,6 380:4	212:13,14
193:19 194:23	276:10,15	380:11,22	218:19 220:19
195:18 196:18	278:1 279:6,8	381:1,19 391:5	272:5,14,25
196:22 197:20	280:9,25	396:11 401:22	273:7,9,12,14
198:12 199:2	283:23 284:1	402:1 403:12	274:4 275:9
204:25 212:4	286:17,22	406:21,24	276:15,18,19
213:20 214:19	288:23 289:1	<b>knowing</b> 115:9	276:22 278:14
214:20,22	292:1,7 298:12	301:15 341:14	279:15
215:7 216:9	298:13,15,16	<b>knowledge</b>	<b>kyle</b> 50:15,17
217:3,16	300:25,25	21:7 24:5,11	51:3,4,6,10,16
218:11,12,22	301:5,10,14	25:8 26:23	51:21 52:8,23
219:9,23	302:17 306:3	27:17 28:4	53:1,8 55:11
220:14 221:6,9	307:12 308:16	33:1 34:2	56:11 57:18
222:22 223:7	308:19 309:4,5	39:14 40:11	58:8 59:16
224:14,18,19	309:15 310:1	48:17 70:1	60:8 64:7,16
225:3,7 227:1	314:24 316:13	90:19 107:1	76:17 77:2,10
228:6,12	316:14 318:7	112:24 115:5	78:6,7,18
229:12,14	320:12 321:2	119:18,22,25	83:10 84:1
231:9,10,15	321:11 323:22	123:18 152:25	111:13 113:1
232:25 236:10	325:9 327:24	169:10 176:7	113:14 133:5
237:5,25 240:4	328:16 329:3,4	188:12,17	172:17,19
240:17,22,25	329:7,14,14,23	194:23 275:22	212:16 272:18
241:4,7 242:11	330:2,3 333:16	276:9 281:5	<b>I</b>
242:19,19	335:8 336:2,9	317:4 320:4	<b>I</b> 96:20 409:13
244:23 247:20	338:23 339:12	322:8 359:7	<b>lab</b> 27:12 73:8
248:1,8,16,16	340:1,2,6	375:21	126:6 132:17
248:24 249:2,4	341:5,19 342:8	<b>knowledgeable</b>	137:14 142:18
249:22 250:1	346:14 350:23	394:23	167:11 251:14
251:5,20	352:9 354:5,9	<b>known</b> 155:8	283:7 286:21
252:18 256:23	354:19 357:7	393:8	292:22 297:12
262:15 265:3,5	359:10 366:21	<b>knows</b> 164:23	309:20 315:20
265:15 267:22	367:22 368:18	<b>korte</b> 4:14	322:1 324:10
267:24 268:14	369:4 370:24	78:23,25 79:19	325:11,12,20



[lab - lewiskappes.com]

Page 49

335:9 339:17 341:21 343:3 354:15 368:15 368:21 371:2 382:3,8 383:5 399:4 <b>lab's</b> 335:6 340:15 <b>label</b> 288:1 290:15 293:16 293:24 316:22 322:5 332:17 338:3 342:13 342:15,16,22 347:6,19 352:25 353:2 <b>labeled</b> 278:14 290:18 291:19 294:14 335:24 341:3 353:24 <b>labeling</b> 301:9 313:10 <b>labels</b> 316:6,15 <b>laboratories</b> 109:6 <b>laboratory</b> 282:10 283:20 292:3 366:18 <b>labs</b> 135:5 <b>lack</b> 17:9 85:24 215:3,6 <b>ladder</b> 121:6 198:21 <b>laid</b> 100:9 279:11	<b>landed</b> 181:24 222:9 306:6 <b>landfill</b> 162:2 <b>lands</b> 176:2 <b>language</b> 350:10,13 351:7 356:12 357:10 358:5,7 <b>laptops</b> 56:23 <b>large</b> 54:15 55:21 61:13,17 138:21 158:8 207:6 408:6 <b>lasted</b> 29:9 <b>lastly</b> 350:6 <b>late</b> 61:16 350:23 <b>law</b> 5:18 16:3,8 86:23 144:12 259:23 <b>lawcjb.com</b> 2:17 <b>lawyer</b> 16:3,8 17:17,18 103:14 <b>lawyers</b> 34:16 302:11 <b>lay</b> 149:4 291:22 <b>layer</b> 216:16 <b>laying</b> 122:9 167:6 238:13 238:15 306:19 306:21	<b>lays</b> 69:24 <b>lead</b> 184:7 384:17 <b>learn</b> 38:23 77:9,14 113:1 <b>learned</b> 59:24 392:14 393:10 393:11 <b>leave</b> 21:16 52:15,17,18 85:5,17,20 86:9 151:10 378:4 <b>leaving</b> 8:24 10:14,17,22,25 14:14 15:10 32:13 36:8 86:11 87:14 <b>led</b> 286:18 <b>left</b> 10:9 31:17 46:1 52:2 55:8 56:7 66:14,18 77:1 78:18 85:1 86:22 137:7 158:17 160:18 183:9 218:23 219:2 241:21 278:14 278:24 282:8 283:19 316:12 332:8 355:23 377:1 386:18 <b>legal</b> 41:15 42:13 87:24 252:15 326:25	352:17 410:23 <b>legally</b> 191:9 <b>length</b> 133:20 <b>lens</b> 214:15 <b>letter</b> 4:12,17 342:6 351:12 352:1 <b>letterhead</b> 159:21 <b>lettering</b> 316:12 <b>letters</b> 290:16 302:13 <b>letting</b> 94:9 308:15 <b>level</b> 30:20,21 128:9,10 135:23 151:23 152:1,3 202:8 234:23,24 250:2,10,19 251:25 252:2,7 252:10,13,19 252:23 253:6 253:10,12 254:22 255:1,6 257:3 260:22 261:10 263:5 396:21 <b>levels</b> 252:20 <b>lewis</b> 1:17 2:4 5:17 408:12 <b>lewiskappes....</b> 2:7,7 410:2
---	---	--	---

**[liability - look]**

Page 50

<b>liability</b> 348:23 348:24,25	412:1	<b>listen</b> 102:17 274:3 284:22	<b>locked</b> 392:24
<b>liable</b> 177:25	<b>line</b> 61:22 131:24 161:17	<b>litigation</b> 18:5 206:2	<b>locker</b> 222:10 222:12 223:14
<b>lid</b> 247:17 311:8	162:1 177:5 213:17,17	<b>little</b> 13:2 51:24 135:22 155:12	240:6 318:23 321:7 344:20
<b>lieutenant</b> 19:20	214:10 263:18 264:13 294:20	157:8 210:2 261:24 284:22	<b>lockers</b> 56:21 222:14
<b>life</b> 185:16	295:6 298:3 333:2 352:21	286:17 288:12 294:24 384:9	<b>logical</b> 98:8
<b>light</b> 141:3 142:4 143:4	411:4,7,10,13 411:16,19	<b>live</b> 86:19	<b>long</b> 7:14 11:19 13:15,18 14:1
210:12 369:12 369:13,17	<b>lined</b> 41:22	<b>lived</b> 29:7	14:7 17:10 28:24 48:19
370:11,14 371:17,22	<b>liner</b> 106:21	<b>loaded</b> 22:5	51:10 53:8 54:10 80:14
372:8,11	<b>lines</b> 182:24	<b>local</b> 44:14 84:10,14 189:2	97:12 131:5 168:24 195:16
<b>lighting</b> 79:23 165:14	<b>lining</b> 333:25	189:5 370:1 406:11	226:5 227:1,24 394:11 402:2,3
<b>lightly</b> 139:21	<b>linkedin</b> 8:23 84:25	<b>locate</b> 402:16	<b>longer</b> 85:11 86:8 91:14
<b>lights</b> 111:23 112:17 392:25	<b>liquid</b> 123:16 123:20,23	<b>located</b> 152:10 153:13 170:7,7	133:10 162:16 196:12,25
393:18	124:8 125:5 146:2 167:13	170:21,24 173:20 174:21	227:1 341:3 405:12
<b>liked</b> 210:25	208:6 227:11 227:13 229:7	297:9,13 346:25 347:1	<b>look</b> 11:11 20:20 24:6,12
<b>likelihood</b> 187:2 253:13	249:5 288:3,21 299:8,9	<b>location</b> 5:17 29:1 41:21	24:12 62:20 68:4 72:7 87:8
<b>likely</b> 146:24 167:7 194:13	<b>liquids</b> 230:3 285:8	46:3 132:22 202:8,14	90:22 92:16,17 131:19 132:12
209:5 226:5 228:18 251:21	<b>lisa</b> 1:14 5:21 408:5	243:16 269:12 304:25 305:12	135:1 137:9 138:8 139:6
253:5,11,20,22 257:2 303:2	<b>list</b> 32:22 298:18 405:11	399:24	140:24 155:21 155:22 159:25
<b>likes</b> 255:19	<b>listed</b> 20:23,25 71:15 116:12	<b>locations</b> 326:18	167:16 194:9,9
<b>limit</b> 269:25,25	209:25 339:14 339:16	<b>lock</b> 170:3	
<b>limited</b> 1:4 5:13 18:18 137:13			
410:4 411:1			

[look - major]

Page 51

198:23 215:10 218:8 232:13 240:14 244:20 265:10 277:4 283:16 288:4 294:10 319:3 319:18 321:5 336:25 350:17 362:15 370:25 388:4 <b>looked</b> 22:15 25:14 27:10 31:6 45:16,18 79:3 97:24 98:1 110:24 121:6 152:9 164:25 187:3 209:13 243:10 248:19 289:18 317:20 321:5 328:14 330:20 331:4 341:7 345:21 366:22 396:9 <b>looking</b> 24:2,20 61:7 62:18 84:25 95:18 140:7 170:5 215:13 218:1 241:3 246:21 274:17 304:1 310:14 333:8 337:12 363:13 368:22 396:9 396:13 397:23	398:19 <b>looks</b> 23:16 45:9 139:25 140:25 143:4 188:6 214:2,3 218:14 219:13 219:14,19 220:5 235:14 240:5 247:5,12 266:16 268:3,9 269:8 278:24 316:5 318:12 319:4 321:12 325:17 345:5 362:17 <b>loosen</b> 248:13 <b>loss</b> 45:25 46:15 <b>lost</b> 273:20 <b>lot</b> 10:2 46:21 54:22 57:11 62:8 64:11 67:3 86:18 99:11 129:21 130:12 133:10 133:14 134:17 135:16 142:10 143:7 154:25 179:3 190:20 190:20 209:23 209:24 213:6 250:15,20,24 312:24 321:16 361:11 372:20 372:21 376:16	380:13 405:23 405:23 <b>lou</b> 26:1,21 34:21 35:15 39:9 114:22 115:2,10 134:6 148:8,18 149:10 150:12 160:12 165:11 168:13 169:16 171:7 178:16 180:10 181:13 184:20 239:2 312:2 316:4 317:10 329:18 338:15 <b>loud</b> 177:9 357:3 <b>low</b> 179:18 193:24 194:6,7 357:18 <b>lower</b> 252:7 305:15 <b>lvi</b> 160:1 <b>lying</b> 257:10 <b>m</b> <b>macbeth</b> 4:15 27:4 50:12 51:11 121:4 134:7 197:22 198:20 <b>machine</b> 158:7 158:10,22,24 222:16	<b>machines</b> 58:21 <b>made</b> 31:8 36:5 42:23 48:12 49:1 58:25 60:2 63:3,25 93:11,16 94:18 115:6,8,24 141:17 142:17 154:4 166:10 166:13 167:5 183:19 192:2 202:13 203:15 212:8 217:19 218:3 234:12 254:7 259:12 259:17 288:10 326:19,20 372:3 396:16 404:1 412:5 <b>mailed</b> 354:13 <b>main</b> 127:19 161:11,25 173:19 174:7 209:21 264:1 288:24 309:2 <b>maintain</b> 101:8 137:10 308:1 <b>maintained</b> 35:20 81:23 82:22 120:4 <b>maintenance</b> 17:9 129:22 152:11 281:3 <b>major</b> 93:17 94:10 237:11
--	---	---	--

[major - mean]

Page 52

<p>237:12  <b>majority</b> 205:3  <b>make</b> 13:4  14:21 15:24  18:8 19:1  35:22 36:1  41:8 42:6,12  55:17 63:6  88:17 89:18  94:12,22,24  98:24 140:25  144:14 184:13  203:23 226:25  257:2,18  283:10  <b>makes</b> 7:3  112:20 172:4  <b>making</b> 30:14  30:14 85:16  89:16  <b>manager</b> 51:18  54:5 78:9 90:9  90:14 157:6  172:9 181:14  184:12 188:7  <b>managers</b> 54:2  <b>manner</b> 144:2  181:23 312:17  <b>manual</b> 4:13  92:20 120:15  164:10 254:21  270:25 271:9  271:19 350:7  350:11,14,17  350:18,25</p>	<p>356:14,21,23  357:11 358:19  402:14  <b>manuals</b>  270:19  <b>manufacture</b>  348:15 349:16  <b>manufacturer</b>  131:14 396:16  403:1  <b>manufacturer's</b>  403:24  <b>manufacturers</b>  125:18  <b>mapping</b>  375:16,17  395:20  <b>march</b> 17:16  18:15 26:15  44:6,6,16,22  45:21 48:14  51:10 52:12  53:8,22 60:6  60:12,17 62:5  63:2 64:3 69:9  71:12,14,15  77:17,19,20  87:11 106:24  121:6 132:15  133:23,24  134:7 135:3,9  138:5,16 147:4  159:1 160:6,15  161:6 169:17  176:5 180:10</p>	<p>181:14 182:13  184:4 190:9  191:1 198:19  202:24 231:7  232:20 299:6  300:17 315:17  315:17,18  321:23 324:16  373:4 409:16  <b>maria</b> 301:21  301:23  <b>marion</b> 1:18  18:7 408:13  <b>mark</b> 47:14,16  293:15 309:24  <b>marked</b> 20:19  23:16 54:24  72:24 74:15  189:7 291:23  292:7,15 304:5  304:25 307:10  329:19 344:22  351:8 363:10  <b>marker</b> 331:13  352:21  <b>marking</b> 20:10  308:15 309:25  <b>markings</b>  326:14  <b>marshal</b> 360:14  360:18  <b>martin</b> 2:10 3:3  3:7 6:4  <b>marty</b> 7:3 25:5  67:22 88:20</p>	<p>131:23 350:23  407:7  <b>match</b> 230:23  <b>matching</b>  375:19  <b>material</b> 96:7  96:10 101:7  105:1,4,5,11,13  105:16 106:6  107:12,20  126:8 132:25  150:24 200:6,6  201:6 208:20  219:7 230:5  240:23 247:6  289:10 319:25  329:10 333:16  335:9 378:25  383:1,3 401:1  <b>materials</b>  105:25 106:9  218:22 229:10  251:15 300:11  378:10 381:3,5  381:13 382:21  382:24 383:7  384:1 385:11  <b>matric</b> 400:16  <b>matter</b> 5:12  6:18 92:24  187:10 408:10  <b>matters</b> 19:13  <b>mds</b> 124:9  <b>mean</b> 10:4  41:14 42:18</p>
--	--	--	---

[mean - mike]

Page 53

51:24 96:15 103:4 116:10 120:19,21 141:1 143:6 152:4 159:10 161:8 186:9 190:2,2 193:23 194:13 209:11 217:20 226:11 226:17 227:19 228:5,18 234:9 240:24 256:23 257:15 272:21 290:4 294:23 306:20 319:3 334:7 336:25 348:21 363:23 367:12 370:25 373:14 379:3 382:25 404:17 <b>meaningful</b> 105:4 <b>means</b> 103:24 283:23 358:9 375:15 <b>meant</b> 42:22 84:19 143:9,13 214:6 244:5 254:10 260:13 275:19 344:8 352:4,6 <b>measure</b> 268:3 269:11,16,17 400:19 401:3,4 401:7	<b>measured</b> 249:4 <b>measurement</b> 280:4 <b>measurements</b> 137:4,5 205:18 269:19 <b>measuring</b> 268:23 353:17 <b>mechanic</b> 7:13 8:10,14 88:10 <b>mechanical</b> 8:12 26:2 55:25 99:24 115:3 194:22 312:22 313:25 <b>media</b> 5:10 84:11,13 189:1 189:4 270:10 270:13 328:7 369:25 370:3 406:10 <b>medications</b> 13:21 <b>medium</b> 126:7 166:19 210:14 223:24,24 <b>meet</b> 45:21 51:3 181:4,5 251:10 <b>meetings</b> 22:12 22:15 <b>melt</b> 186:2 <b>melted</b> 239:18	<b>members</b> 217:14 <b>memory</b> 44:13 66:16 130:4 131:6 153:18 315:4 404:16 404:18 <b>mention</b> 60:8 275:8 <b>mentioned</b> 11:5 15:9 16:16 133:6 186:17 202:11 210:20 347:5 355:12 387:7 394:16 <b>mentioning</b> 175:5 <b>mentions</b> 67:14 344:4 <b>merely</b> 254:22 <b>met</b> 6:24 33:16 61:2 68:18 192:18 198:18 262:15 <b>metal</b> 159:4 165:23 167:5 216:6,8,12,16 216:20 217:9 218:3 223:4 237:13 240:17 240:18 294:17 294:20 295:1,8 298:4,19,22,25 321:23,23 324:21 334:5	373:22 388:19 401:3 <b>methanol</b> 162:2 162:6 <b>method</b> 94:16 108:6,7,9,11,21 109:23 187:4 289:14 393:22 393:25 <b>methodology</b> 70:1 81:15 94:16 98:21 312:16 <b>mgardner</b> 2:13 <b>michael</b> 22:10 34:9 <b>michigan</b> 14:5 16:5 <b>microphone</b> 220:7 <b>microphones</b> 5:5 <b>middle</b> 208:21 209:7 222:9 240:7 298:20 298:21 304:8 304:11 <b>midnight</b> 44:16 82:6 <b>mig</b> 59:3,9 173:1,4 <b>mike</b> 21:25 22:3,3,4,10 23:4 24:14 114:23 115:11
---	---	---	--

[mike - names]

Page 54

115:18 <b>mikes</b> 22:5 <b>miller</b> 34:8 213:1 214:24 218:19 220:17 272:4,24 279:16 <b>mind</b> 92:12 110:4 261:19 <b>minimal</b> 187:2 <b>minimum</b> 69:24 <b>minor</b> 57:24 58:11,15 173:13 <b>minute</b> 76:23 171:9 186:15 187:12 270:7 351:5 373:23 <b>minutes</b> 48:21 51:12 53:10 57:18 80:15 <b>mis</b> 71:17 <b>miscommuni...</b> 348:20 <b>misdocument...</b> 243:11 <b>misprint</b> 71:17 <b>mispronounce</b> 45:2 <b>missed</b> 14:6 <b>missing</b> 300:5 <b>misstates</b> 38:6 107:17 124:21 130:14,18	164:18 191:4 258:20 309:11 <b>misstating</b> 390:16 <b>mist</b> 177:5 178:18 182:7 196:25 199:19 214:1 259:2 <b>misused</b> 254:6 <b>mixed</b> 69:21 223:16 288:12 <b>mm</b> 4:19 324:14 325:1 328:10 331:21 <b>mo</b> 271:9 402:5 <b>mode</b> 197:23 <b>models</b> 271:11 <b>modine</b> 4:13,14 196:9,19 197:4 197:23 198:22 270:18,18 271:9 272:9 273:25 274:4 402:5 <b>modines</b> 199:9 199:14 273:24 <b>monday</b> 8:4 <b>month</b> 9:11 17:12,14 80:8 85:2 89:14 179:16 <b>months</b> 24:16 25:15 62:24 63:23 66:15 75:25 122:4,8	131:3 157:10 214:25 251:3 272:8 279:19 297:11 <b>moons</b> 57:9,10 <b>morning</b> 5:3 44:12,20 60:19 60:21 228:10 392:19 <b>motors</b> 393:18 393:20 <b>mounted</b> 120:21 174:2 174:10 387:10 <b>move</b> 16:11 20:15 102:16 102:17 191:7 264:10 277:22 281:1 365:15 391:11 <b>moved</b> 60:3 128:20 130:1 133:7 153:6 <b>moving</b> 64:10 129:15 192:6 250:13 308:2 321:20 <b>msds</b> 106:14 124:3 125:20 126:5 396:8,10 396:16 <b>multi</b> 327:17 <b>multiple</b> 19:6 19:23 27:5 74:3 82:19	216:17 250:21 256:16 277:25 290:15 291:20 303:7 305:2 326:16 327:17 327:20 390:10 <b>mute</b> 5:7 <b>n</b> <b>n</b> 2:1 409:13 <b>name</b> 5:19 6:22 16:3,7,12 17:17,20 22:2 26:2 32:23 33:1,4,7,17,18 43:1,14,20 45:3 50:3,16 51:4 53:25 60:25 61:19 63:3 64:16,25 65:8,17,25 74:25 77:5,6,7 78:22 79:22 80:16,17 106:13 160:18 201:18 202:3,3 202:4 266:16 275:9 301:21 313:21 338:15 384:4 396:2 <b>name's</b> 272:24 <b>named</b> 26:22 65:6 221:15 <b>names</b> 43:8,13 201:24
---	---	---	--



[national - nonresponsive]

Page 55

<b>national</b> 91:22 94:17	<b>necessary</b> 313:1 412:6	264:2 265:12 271:2,16	254:21 260:18 261:17 293:13
<b>nature</b> 38:20 41:10 42:3,9 45:19 55:22 56:21 57:3 58:2 62:11 63:18 79:24 85:23 89:25 109:5 112:18 118:9 132:13 137:1 185:4 187:1 248:13 314:4 350:20 392:19,25 393:18 395:18	<b>need</b> 9:5 13:15 48:9 57:9 83:4 87:8 98:6 108:22,25 123:9 296:4 391:4 395:3 406:21 <b>needed</b> 28:25 62:15,18 64:9 114:18 196:20 237:23 <b>negative</b> 283:11,21 288:15	285:24 289:3,5 391:13 403:18 <b>new</b> 10:24 16:17 28:20 58:24 80:24 129:6 130:24 131:15 132:15 134:22,22 138:5 162:21 168:21 196:16 197:18 250:23 250:25 273:13 279:18 317:14 341:24	302:21 316:17 344:1 373:24 394:17,20 395:7,15 399:12 405:13 <b>nfpa's</b> 100:13 <b>nice</b> 62:9 <b>night</b> 26:10,14 43:17 44:8 68:25 233:22 234:15 <b>nine</b> 34:17 174:2,10,21,25 175:12 256:24 280:12,19 282:13
<b>near</b> 46:16 76:24 88:6 161:16 169:19 171:15 173:13 215:12 234:23 234:24 238:14 250:19 295:21 356:3 377:2,17	<b>neither</b> 12:23 33:24 34:3 104:18 253:20 283:8 304:18 307:6,9 404:2 <b>never</b> 12:5 19:11 65:12 66:10,11 68:18 69:11,13 72:3 76:13 81:19 92:12 163:24 164:25 165:1,1 165:5 178:3 180:2 187:18 188:13,18 204:16,23 211:2 231:8 241:1 245:3 254:13 262:1	<b>newegg</b> 15:14 15:15 16:17 17:7,19 18:6 <b>news</b> 83:16 <b>nfp</b> 66:23 67:14 81:2 82:2,21 94:18 95:6 293:8 344:4,11 394:25 <b>nfpa</b> 69:24,25 70:2 91:23 92:3,14 93:9 93:12 94:23 95:10,15 96:9 97:5,8,23 99:4 99:21 100:15 101:7,13,18 105:1 204:7 251:24 253:9	282:13 <b>nineteen</b> 190:19 <b>nn</b> 4:20 325:14 329:19 330:12 332:15 333:10 334:19 336:10 398:20 <b>nods</b> 208:13 <b>nomenclature</b> 118:21 <b>non</b> 20:3 312:16 <b>noncombusti...</b> 401:1 403:6 <b>nonresponsive</b> 102:16
<b>nearby</b> 238:14 379:10			
<b>necess</b> 205:12			
<b>necessarily</b> 74:3 133:17 142:3 154:22 209:11 227:22 245:20 295:22 334:21 336:22 344:16 358:23 403:13			

[nope - nuts]

Page 56

<p><b>nope</b> 365:23</p> <p><b>norm</b> 301:8</p> <p><b>normal</b> 196:13 293:20</p> <p><b>normally</b> 72:4 293:20</p> <p><b>north</b> 2:15 54:14 55:21 56:3 183:11 209:3 223:19 246:8 265:19 266:8,10 295:9 299:1 326:7,11 328:18 330:14 331:25 332:4 335:20 337:5 337:14 338:4,6 338:12 370:21 371:1</p> <p><b>northern</b> 1:1 5:15 213:14 277:12</p> <p><b>northside</b> 7:12 7:14,17 8:11 8:19 88:11 89:6,17</p> <p><b>notarial</b> 409:6</p> <p><b>notary</b> 1:15 408:5 412:13 412:19</p> <p><b>notation</b> 172:4 185:6</p> <p><b>note</b> 5:5 41:24 161:1 185:11 410:10</p>	<p><b>noted</b> 412:7</p> <p><b>notepad</b> 42:12 42:16</p> <p><b>notes</b> 4:11 33:8 34:16,18,20,21 34:22 35:2,3 35:10,15 36:9 36:13 38:3,10 38:16,25 39:23 40:7,9,17,25 41:8,14,16,25 42:6,12,16,23 48:22 49:21 53:11 72:6 77:1 78:17 80:19,21,23,25 81:6,18,23,25 82:1,22 148:6 148:14,18 160:11 169:16 171:7 182:9,11 182:13 184:3 184:21 185:11 188:6 191:16 191:17,19,21 191:24 205:17 259:7 408:18</p> <p><b>notice</b> 1:21 4:6 12:23 20:9 63:16</p> <p><b>noticed</b> 131:5 132:24 204:16 208:22 251:7 371:6 395:19</p>	<p><b>notices</b> 20:8</p> <p><b>noticing</b> 6:3</p> <p><b>notified</b> 53:16 53:24 69:4</p> <p><b>notion</b> 279:2,3</p> <p><b>november</b> 4:14 4:17 22:8 39:20 57:20 59:17 72:25 73:5,23 74:7 90:22 91:7,10 93:8 126:24 203:8 355:20 364:6</p> <p><b>now's</b> 188:24</p> <p><b>number</b> 5:16 19:1 32:6 56:6 56:6,7 57:21 57:22 58:21 59:10,18 60:5 60:12 62:5 64:2,18 86:4 107:10,15 111:12 113:4 113:17 114:12 115:3 116:15 116:18,21 117:18 134:8 140:8,9 147:4 147:10 152:1,2 153:19 154:10 156:1 158:25 162:6 163:5,13 163:19 164:13 167:3,4,10,15</p>	<p>169:3 175:25 176:4 178:7 179:4,18 181:1 195:25 198:19 212:9 216:5,10 217:11 222:1 232:20 258:8,8 272:17 274:5 277:10,11,17 278:4 279:19 280:4 283:18 283:21 329:9 342:4 348:5 352:17 376:16 376:23,24 377:9 378:10 378:13 380:5,5 380:6 381:20 383:24 396:10 396:11 402:17 404:5 407:5</p> <p><b>number's</b> 181:8 265:18</p> <p><b>numbered</b> 138:3</p> <p><b>numbers</b> 23:17 55:8,18 319:15 337:1,21 389:14</p> <p><b>numerous</b> 19:22 163:12</p> <p><b>nuts</b> 248:12</p>
--	--	---	---

[o - objection]

Page 57

<b>o</b>	142:12 144:9	192:13,19,24	280:20 281:4
<b>o</b> 78:24 96:20	145:10,23	196:21 197:6	283:12 286:3
266:18 409:13	146:16,22	198:25 200:23	287:21 289:24
<b>object</b> 89:2	148:10,20	201:20 202:21	291:21 292:17
103:17 180:13	149:12 150:15	203:14 204:19	293:11,17
191:21,25	150:21 151:5	204:22 205:19	297:5 301:2,12
302:2 318:2	151:13 152:15	210:9 213:3,8	302:2,16,23,23
385:17,18,20	153:21 154:3	213:16,23	304:6,22
391:14	154:12 155:6	215:3,6,18	305:19,21
<b>objecting</b>	155:15,18,23	216:22 219:1	306:9 307:24
131:23	156:3,10 157:2	220:25 221:22	309:11 311:2
<b>objection</b> 34:11	157:15 158:11	222:13 224:11	311:10 312:21
36:15 38:5,12	159:2,8,11,17	225:10,23	316:18,24
40:10,18 62:7	160:23 161:13	227:5 228:14	318:25 319:7
64:19 66:7	162:7,13,24	230:13 231:14	320:3 322:7,16
72:8,11 80:9	163:10,25	232:1,22 235:2	323:20 325:5
86:13 88:12	164:16 166:4	237:7 238:7	326:13,20
89:8 92:23	166:12,22,25	240:1 241:11	330:15 333:22
93:14 95:11,17	167:23 168:8	242:10 244:3	335:12 336:14
96:1,16 101:15	168:17 169:6,9	246:23 247:2,4	338:22 339:11
104:19 105:7	169:21 170:11	247:23 249:1	339:24 340:7
105:18 107:17	170:17 171:12	249:25 250:14	340:12 341:9
108:14 110:22	171:23 172:8	250:16 253:15	341:18 343:8
114:13 115:1	173:23 174:4	253:18 254:15	344:2 345:12
115:21 117:3	174:14,24	255:25 256:6	346:6 349:1,4
118:25 119:15	175:13 176:6	257:7 258:6,20	349:23 350:24
119:19 121:10	176:22 177:11	259:9,25 261:7	351:2,15 352:7
123:25 124:12	179:23 180:15	262:24 263:9	353:20 354:2
124:21 125:15	180:15 181:2	263:10 265:21	355:5 357:12
126:3 127:2	181:10,18	266:23 267:17	357:14,16
128:13 129:24	183:2,18	268:12,17	358:21 359:15
130:14,18	184:15,23	269:5,9 273:5	359:17,24
131:12,16	185:12,25	274:9 276:11	362:2,4,21
132:2 136:9	186:4 188:11	276:25 277:18	365:6 367:10
139:4 141:13	190:12 191:4	279:5,11	367:13 369:1

[objection - oh]

Page 58

377:4 378:19 379:25 381:15 381:17 382:17 397:4,10 403:8 404:8 <b>objection's</b> 279:11 <b>objections</b> 5:24 89:19 96:12 97:14 98:11 99:19 101:1,10 101:24 104:23 108:18 139:17 140:2,12 142:24 144:13 146:8 149:6,16 152:24 156:20 158:21 164:6 171:1 175:20 177:13 178:25 191:8 192:3,17 206:3,10 230:21 231:19 232:9 248:4 256:13 278:7 327:6 337:15 344:10 357:25 <b>obligation</b> 375:13 <b>observe</b> 92:20 162:5,8 <b>observed</b> 163:12 263:3 398:1,6,16	<b>obtain</b> 52:25 62:3 64:25 65:14 66:23 67:2 114:19,20 178:5,6 194:1 206:15,18,21 212:8 <b>obtainable</b> 186:22 <b>obtained</b> 33:25 42:8 49:23 53:17 62:10 82:12 142:18 150:12 181:13 208:14 279:14 279:14 281:19 328:11 <b>obviously</b> 42:5 76:4 81:3 102:5 108:13 108:20,22 109:2 121:24 133:6,18 141:22 142:25 144:24 152:17 167:1 175:24 177:3 179:10 181:4 185:2,4 186:8 193:16 199:5 208:5,9 209:9 210:21 226:2,9 230:16 234:12 256:24 262:15 289:6 306:10 343:18	354:7 363:23 364:13 377:11 378:25 391:7 393:16 394:22 394:24 395:16 405:7,12 <b>occasion</b> 59:11 251:20 <b>occasionally</b> 9:5 10:3 58:22 59:20 106:10 209:17 224:21 229:16 <b>occasions</b> 226:23 <b>occur</b> 129:17 145:20 195:3,5 286:8 <b>occurred</b> 46:16 47:1 60:19 116:20,20 129:17 193:9 205:14,15 207:7 209:12 227:25 228:6 241:15 250:4 250:25 286:9 288:8 293:10 358:24 359:10 360:8 377:24 <b>occurring</b> 61:8 128:21 251:12 <b>occurs</b> 119:8 193:10 194:24 195:9 206:25	<b>october</b> 261:25 262:1 263:17 <b>offer</b> 120:15 148:24 150:5 <b>offered</b> 58:15 85:14 <b>offhand</b> 7:18 80:17 106:13 335:13 364:2 368:19 <b>office</b> 17:1 46:4 46:11 50:18,18 50:19 51:5,20 68:16 82:25 152:11 198:2,3 312:25 <b>officer</b> 19:22,25 20:2,3 <b>offices</b> 56:20,21 <b>official</b> 31:15 253:22 <b>officially</b> 50:1 <b>oh</b> 8:9 11:25 19:3 22:16,19 37:1 48:10 69:8 71:6 127:21 137:20 137:22 140:15 143:15 153:15 168:3 189:18 198:10 199:15 211:14 220:8 256:14 260:16 291:9 292:13 292:24 295:2,2
--	---	--	--

[oh - okay]

Page 59

303:12 305:25	98:2,13 99:18	211:20 213:6	315:17 316:5
319:16 332:6	101:18 102:1	214:7 217:24	316:25 317:5,8
332:23 333:8	103:24 105:9	218:16 219:14	318:1 319:16
342:18	106:18 107:9	220:3,4,23	320:7 321:9,21
<b>okay</b> 7:24 9:18	107:13,25	221:25 223:20	324:2,7,12,15
11:16 12:4,20	112:12 113:12	224:2 225:16	325:3 327:3
13:1,5,6,10,13	117:1 119:1,12	233:13,25	328:3 329:1,13
15:2,9 16:15	120:10 123:13	234:18 235:22	330:12,22
17:2,17 19:16	125:7,25	236:18 239:22	331:8,19
20:7,14,16,23	127:10 128:8	239:24 240:19	332:12,21,25
21:4 22:16,24	130:21 134:3	243:5 244:5	334:13 337:4
23:14,22 24:23	134:10,23	246:1,3,17	338:1 340:11
25:4 26:19	135:11,13,20	249:12 254:16	342:6 345:3
27:15,18 28:22	137:25,25	254:19 255:1	348:7,12
28:24 29:15	138:10,13	256:22 257:17	349:19 350:4
30:16 31:23	139:1 140:14	261:24 266:11	351:22 352:15
32:5,17,22	140:21 143:15	271:2,8 272:23	355:7,11,11
36:5 37:1,23	147:9,11,25	276:2 279:22	356:1,7,22
37:24 44:24	149:24 150:17	279:23 280:8	357:3,8,16,24
45:7 47:3,25	151:17 152:9	281:22 282:3,7	360:9,14 361:5
48:5,8 49:10	152:21 153:23	284:8 285:9,16	362:14 364:1
50:25 51:15	157:25 158:6	285:22 287:10	365:16 366:6
52:11,22 53:21	158:16,24	287:11 290:7	366:16 368:11
54:20 55:11	160:3 161:17	291:3,19	368:15 369:23
56:11,17 57:7	162:18 165:10	292:13,13,24	372:15 374:17
57:13 59:16	165:19 167:18	294:3,10,11	375:8 376:13
64:24 67:25	168:13,19	295:17 296:15	378:17 379:5,8
68:4 69:8,17	169:2,12 170:5	296:19 297:17	380:25 382:4
71:24 72:19	171:17 172:14	300:2,4 302:17	384:19 385:2
73:4 74:14	173:1,18 174:2	302:25 303:12	385:14 386:12
75:11,14 77:12	174:10 178:14	304:4,10 305:7	386:17 387:7
84:8,23 87:9	180:9 185:19	305:25 306:25	388:5,22,25
88:10,24 89:2	186:13 187:25	307:6 310:11	389:10,11
91:19 92:11	189:10,22	313:25 314:11	390:12 391:15
94:12 97:20	196:8 210:16	314:23 315:12	391:19 392:3

[okay - opposing]

Page 60

393:10 396:3,4 396:15 397:12 397:16 398:19 398:25 399:7 399:21 401:18 402:13 403:3 405:5 <b>old</b> 7:4 89:25 129:22 130:16 138:15 171:9 178:19 197:16 199:14 272:9 <b>once</b> 29:2 35:9 40:1,1,4 83:1 124:4,10 146:2 146:2 194:25 226:8 227:10 251:17 289:11 297:13 315:15 315:16 340:14 376:5,18 377:17 <b>one's</b> 70:4,5 133:22 244:1 246:18 272:4 <b>ones</b> 25:15 164:15 184:21 196:16 197:16 197:18 216:21 237:10 388:13 388:15 <b>ongoing</b> 93:1 <b>online</b> 178:13 209:19 210:1	<b>ooh</b> 7:18 9:10 <b>oops</b> 20:21 211:6 <b>op</b> 56:11 350:2 <b>ope</b> 120:22 <b>open</b> 28:24 92:16,17 117:10,15 118:2,4 120:19 120:19,23 146:7 154:25 155:9 198:23 261:19 305:12 311:8 343:18 388:18 <b>opened</b> 317:11 338:14,16 <b>opening</b> 121:8 198:23 264:8 295:21 320:10 321:4 387:25 <b>openings</b> 118:6 199:3,16 358:10 <b>opens</b> 195:7 <b>operate</b> 159:13 384:16,23 <b>operated</b> 60:11 164:14 <b>operates</b> 194:20 <b>operating</b> 112:16 146:10 176:5 200:18	<b>operation</b> 120:11 194:11 196:12 393:15 <b>operational</b> 177:3 190:8 193:20 194:14 <b>operations</b> 56:11 57:21 63:5 76:12 135:17 262:10 264:1 280:5 281:2 <b>opinion</b> 14:25 15:5,19 19:13 28:25 29:1 30:25 31:5,15 81:25 98:25 104:9 105:13 106:2 110:11 117:17 124:17 125:7 126:14 127:5 148:22 148:24 149:3 191:20 199:5 201:8,16 204:7 209:2 234:1 244:16 251:21 252:3,6,15 254:22,23,24 255:2,7,23 256:4,12 257:2 261:9 265:1 286:4 287:22 289:13 314:3 348:13 349:14	349:18,21 360:2 372:12 376:1 378:3 381:24 382:20 382:22 402:11 405:17 <b>opinions</b> 67:6 73:17,21,25 74:5,8,12 116:9,12 117:2 126:25 127:9 127:17,18 148:22 149:4 149:11 165:3,7 174:23 199:23 205:6 250:3 252:20 255:10 255:13,20 260:19,21 261:4,11 262:23 271:6 271:19 275:17 283:6 290:5 312:19,20 313:6,22,24 350:15 377:9 382:15 396:23 396:25 <b>opportunity</b> 187:9,19 <b>opposed</b> 197:12 214:1 241:21 402:6 <b>opposing</b> 110:18
--	--	---	--



[opposite - pad]

Page 61

<b>opposite</b> 81:22 191:13 223:12 223:16 <b>option</b> 397:5 <b>oral</b> 1:12 <b>orange</b> 56:2 <b>order</b> 237:24 386:21 407:5 <b>orders</b> 406:17 <b>orientation</b> 56:1 <b>oriented</b> 326:23 <b>orienting</b> 326:24 <b>origin</b> 12:18 14:9,11,25 15:19 19:9,14 30:2,4 31:25 36:12,19 37:2 37:6 38:2 67:1 70:13 73:23 74:9 75:14 76:5 95:10 109:1 116:17 116:23,24 117:1,9 148:25 150:9 165:2,7 174:23 187:14 187:15 202:9 202:15 204:2,4 205:4,6,14,21 209:12 223:21 239:17,17 241:15 242:24	243:1,19,20 245:6,9,10,14 245:16,18 246:4,15 250:5 269:15 280:18 350:15 361:8 362:8 363:9 364:25 374:24 375:6 377:10 395:23 399:13 399:23,25 400:3,4,9,11,16 401:16,19 403:5,18 404:22 <b>original</b> 203:9 205:17 <b>originally</b> 86:18 127:5 <b>originated</b> 54:7 58:7 95:13 147:7 152:2 154:22 186:23 <b>orr</b> 50:15,17 51:10,16,21 52:8,23 53:1,8 55:12 56:11 57:18 58:8,12 59:16 60:8 64:16 76:17 77:2 78:7,18 83:10 84:1 113:1,14 <b>otto</b> 75:7 90:6 90:23	<b>outcome</b> 5:23 <b>outside</b> 10:19 19:13 46:15 152:10 153:6 153:25 180:21 196:2 197:12 216:10,18,20 217:4,11,17 218:1,7 234:9 234:11 245:18 308:19 310:15 347:16 349:2 379:1 399:1 <b>outstanding</b> 28:5,7,10 <b>overall</b> 110:25 268:24 370:16 <b>overhead</b> 147:14 164:8 262:17 <b>overlooked</b> 71:21 <b>overnight</b> 194:6,7 <b>overs</b> 181:23 <b>overspray</b> 168:22 180:12 181:22 258:14 258:25 <b>overview</b> 127:9 127:17,18 <b>overwhelmin...</b> 289:18 <b>own</b> 28:13 67:6 87:1 146:4	161:9 200:4 201:4 <b>owned</b> 86:24 <b>owner</b> 391:3 <b>oxygen</b> 154:23 155:8 231:1 <hr/> <p style="text-align: center;"><b>p</b></p> <hr/> <b>p</b> 1:13 2:1,1,6 2:12,16 4:12 5:11 6:15,23 96:20 298:14 342:6 351:8 355:22 407:15 408:7 409:13 410:5 411:2,24 412:2,4,12 <b>p.c.</b> 2:10,15 <b>p.m.</b> 44:15 48:13 52:12 370:4 406:12 407:12 <b>pack</b> 236:14,15 <b>package</b> 236:14 324:5,13 <b>packaged</b> 324:4 <b>packaging</b> 311:5 <b>packet</b> 236:14 <b>pad</b> 41:15 42:13 295:24 296:14 323:14 326:25 327:3 352:17 387:2,5
--	--	--	---

[pads - paint]

Page 62

<b>pads</b> 309:10	262:2 263:17	337:8,11,21	123:16,23
<b>page</b> 3:2 4:2,4,5	264:13 265:22	338:4,6,8	124:3,4,6,9,10
13:9 23:16	267:2,5,25	341:25 342:10	124:19,20
47:13 48:11	268:1 277:4	342:17,25	125:13 126:1
50:20 52:3	278:5,9,10,11	345:3,7,15	126:17 128:3,8
54:19,25 73:2	279:14 282:3,8	346:1,5 347:24	128:19,20,20
76:22 90:21	282:21 283:16	348:5 350:10	128:23,24
91:1 116:13,13	283:17,19	350:12,25,25	130:10,24
126:15 127:8	290:6,16,19,19	352:9,14,20	131:15,21
134:8,9 135:1	290:24,25	353:1,11,16,18	132:9,15,18,22
135:2 138:14	291:1,2,23	355:21 356:6,7	132:23 133:2
139:1,1,13	292:9,19,21	356:17 357:10	133:22 134:22
142:22 143:2	294:10 295:25	358:18 361:1,3	135:8,16 138:5
146:13 150:6	296:1,1 297:16	362:16 363:11	138:15,19
155:12 157:18	297:16,21	364:4,22	139:2,15 140:5
158:4,16	298:19 299:19	366:11,13,13	140:10,23
159:21,25	300:5,12,12,16	368:24 397:19	141:2,3,10
160:22 161:10	303:6 304:5	398:13 411:4,7	142:2,4,8,23
165:10 168:14	305:7,7 307:8	411:10,13,16	143:6,17
169:14 170:6	311:25 312:1	411:19	144:24 145:25
171:7 173:18	315:21,24	<b>pages</b> 4:11	146:18 151:18
182:12,12	316:14 318:2	34:18 72:24	158:20,24
184:1,14,19,20	318:10,13,20	138:3 164:25	165:14 167:12
185:19 186:17	319:9,13 320:1	211:8 267:16	167:12 168:24
188:2,5 189:7	320:7,16 321:4	270:18 271:13	169:2 171:15
189:9 202:5	321:4,22 322:1	272:2 294:7	171:20,21
211:10 214:13	323:13 324:2,3	304:1 313:8	175:22 176:20
215:14 218:1	324:6,8,16	402:14	177:5,19
218:13,14	325:1,3,15	<b>paid</b> 89:6,10,11	178:18 179:7
220:4,10	327:23 328:10	242:6	179:19 180:22
235:12,18,20	330:12 331:4	<b>paint</b> 76:11	180:23,25
239:12,23	331:14,23	106:6,10,12,12	181:3,5,15
241:17,17	332:1,5,14,21	106:15 121:21	182:5 190:18
243:17 244:19	333:4,10,14,18	121:23,25	196:25 197:11
245:23 246:16	334:19 337:1,7	122:2,6,10,24	199:19,19,19

[paint - participant]

Page 63

199:24 200:3,8	324:21 325:10	225:20 278:4	<b>pardon</b> 260:16
200:20 201:2	347:8 351:9,18	<b>painting</b> 58:17	<b>pared</b> 283:9
201:13 213:6	352:3 355:9	117:11 128:10	<b>paren</b> 99:23,24
213:20 214:19	361:7,11 362:6	129:20 130:10	299:3
215:15 218:24	362:17,19,23	135:17 138:18	<b>parentheses</b>
219:20 221:4,7	362:23,25	141:9 143:23	90:9
221:12,19	363:2,15 364:7	143:25 171:10	<b>parkdale</b> 7:9
222:20 223:22	364:23 365:2,4	171:18 179:11	<b>parking</b> 129:21
224:6,7,13,21	365:25 367:9	181:6 190:20	130:12 135:16
225:5,9,21	368:3,5,14,17	198:21 228:9	142:10
227:2,9,10,20	368:20,25	273:16 277:16	<b>part</b> 8:1 9:2,23
229:3,4,5,8,11	369:5,17	277:25 295:14	22:19 35:8,10
229:11,12,13	370:11,14	<b>paints</b> 125:18	54:16 58:10
229:16,22	371:4,6,17,18	158:9	72:13 79:16
230:4 234:19	371:22,25	<b>pallet</b> 219:20	85:10 86:2,3
234:25,25	372:2,8,12,15	<b>panel</b> 57:25	86:16 97:7
237:1,3,5,9	372:22 373:8	58:1,24,25	104:15 110:25
238:5,8,13,15	376:3,10,11,16	173:20	112:22 117:12
239:11,14	376:24 377:6	<b>panels</b> 58:23	140:18,19
240:24 242:21	377:15 378:13	163:5,12 164:4	251:19 268:3
251:9,9,11,17	379:12,24	167:5	283:5 284:2
258:5 259:22	380:6,7,8,12,17	<b>pape</b> 164:21	288:21 301:16
259:23 273:2	381:14 382:10	<b>paper</b> 164:21	304:10,12,15
277:8,12,21,24	382:11 383:17	<b>papers</b> 8:9	309:23 326:11
281:2 284:4,9	383:19 393:3,6	<b>paperwork</b>	335:18 346:20
284:19,25	393:7 396:12	263:1 282:19	347:1 360:3
285:18 286:1	396:19 397:25	403:24	362:7 363:14
287:16,25	398:7,15 403:7	<b>paragraph</b>	363:15 365:3
288:14,21	403:11,20	74:16 75:5	397:11,22
289:3,9 305:25	<b>paint's</b> 133:7	76:24 90:4	404:11
306:2,4,7,11,13	175:18	117:2,13	<b>part's</b> 281:25
306:22,23,25	<b>painted</b> 171:5	126:15 127:19	<b>partially</b> 269:3
315:14,15	213:22 214:5,6	189:13,16	<b>participant</b>
321:9,15,18,24	214:9,18 216:8	202:6 243:21	390:6
323:16,19,22	220:21 225:4	243:23 399:15	

[participated - personally]

Page 64

<b>participated</b> 390:8	237:10 244:15 245:8 281:17	285:23 301:14	<b>performed</b> 117:12 288:13
<b>particles</b> 175:23,24	284:13 306:5 344:15	<b>peer</b> 90:15 91:18	<b>performing</b> 63:5
<b>particular</b> 19:18 42:25 54:6,9 59:22 63:13 71:16 102:5 106:14 106:20 109:25 111:10 112:5 120:16 121:12 121:21 123:6 131:9 132:23 134:12 135:21 141:19 143:5 143:20 161:1 193:9,11 194:4 194:8 199:2,20 203:24 207:18 227:25 228:10 229:9 247:12 261:16 269:18 270:5 282:20 285:10 289:5 290:3,3 309:24 310:3 327:9 335:22 344:16 357:10 394:5 395:13,13 400:24 402:8	<b>parties</b> 5:9 134:15 390:10 408:23 <b>partly</b> 377:16 <b>partnership</b> 1:4 5:13 410:4 411:1 412:1 <b>parts</b> 225:8,20 316:6 350:14 <b>party</b> 5:22 409:2,4 <b>pass</b> 71:2 384:3 <b>past</b> 10:5 23:12 106:19,20 165:10 331:22 340:18 380:22 381:1 382:13 382:14 405:18 <b>pattern</b> 98:20 258:11 375:16 <b>patterns</b> 109:5 396:7 <b>pause</b> 54:17 <b>pay</b> 168:22 <b>paychecks</b> 89:13 <b>paying</b> 16:22 <b>pb</b> 248:9 249:16,22 <b>pecifically</b> 137:15 179:1	<b>pen</b> 48:19 139:14,15 <b>pending</b> 13:18 14:3 18:6 28:3 <b>pension</b> 8:20 <b>people</b> 42:25 62:13 63:16 64:12 69:4 75:23 86:3,4 183:17 185:7 185:10 191:20 212:14 221:10 221:11 265:4 312:25 <b>people's</b> 257:13 <b>perceived</b> 206:1 <b>percent</b> 109:16 109:16 204:10 204:12 207:10 251:21 253:14 253:16 405:16 <b>percentage</b> 38:1 405:15 <b>perfect</b> 84:9 <b>perfectly</b> 237:13 <b>perform</b> 284:3 284:3,8,24 285:12 384:15 384:18	<b>person</b> 117:12 288:13 <b>period</b> 85:22 127:14 129:2 200:10 227:24 229:15 252:7 252:20 253:12 357:4 374:24 374:25 <b>periodically</b> 395:1 <b>permanent</b> 352:20 <b>pers</b> 26:11 <b>person</b> 43:20 50:11 51:4 61:2 65:1 111:14 149:22 301:17 302:3 317:17 391:8 393:6,8 409:1 <b>person's</b> 53:25 <b>personal</b> 38:14 38:18,19 68:17 286:4 <b>personally</b> 14:13 38:16 39:13 65:19 80:22 88:2 135:24 146:23 148:21 228:24

[personally - picture]

Page 65

256:14 311:15 <b>personnel</b> 360:21 <b>persons</b> 313:2 <b>perspective</b> 2:11 <b>pertaining</b> 16:16 <b>peter</b> 353:7 <b>petroleum</b> 150:20 151:4 151:11 166:14 166:19 209:20 210:13 223:25 224:9 248:24 249:2 <b>phone</b> 13:16 51:14 63:22 64:7 69:12 79:21 80:2,14 154:4 181:8 183:13 <b>phones</b> 5:7 <b>phonetic</b> 96:18 96:18,21 105:25 115:2 126:8 249:9 <b>photo</b> 4:4,5 49:10 50:7 55:4 137:16 214:14 215:12 215:13 218:23 236:16 240:3 308:8 319:3 325:20 326:23	326:24 347:3 353:22,23 361:6 362:17 363:13 366:10 385:15 <b>photograph</b> 24:9 47:16,17 56:2 59:9 132:16 138:25 139:6,7 141:1 146:21 158:8 158:17 213:7,9 213:21 220:1 220:17 221:8 269:17 270:5 303:22 305:11 306:8 307:9,14 310:25 311:3,7 323:25 325:18 328:16 329:19 332:14 333:21 345:5,19 353:15 361:6,7 361:11 362:6 362:25 363:1,5 363:14,18 364:7,20 365:2 369:10 397:23 397:24,24 398:8,8,11,12 <b>photographed</b> 163:15,16,17 239:6 242:17 268:16,19	<b>photographer's</b> 214:15 <b>photographs</b> 4:16,16,17,18 4:19,19,20,20 22:17 23:14,18 23:19 24:3,6 24:13,17,19 25:14,16,16,19 25:20,21 26:8 27:5 59:12,13 132:14 134:20 139:9 155:25 159:3 180:4 205:17 212:9 218:9 239:8 303:8 309:13 317:12 334:14 345:20 362:11 363:9 364:11 369:3 370:7 372:8 385:9 398:1,17,25 <b>photography</b> 207:22 <b>photos</b> 4:4,5 24:8 25:25 26:13,19,23 27:1,2,10 36:3 36:4 130:23 137:16 138:3 146:5 178:6 207:23 212:11 214:25 215:8 238:12 281:20	281:23,24 282:1 307:13 309:9 317:20 317:21 321:6 323:12 328:13 330:20 336:15 354:6 370:13 370:16 385:4 386:1,2 398:4 398:21 <b>phrase</b> 178:16 261:13 374:20 <b>physical</b> 45:10 45:11 101:20 109:4 136:17 206:8,25 207:12 399:24 <b>physically</b> 53:23 104:24 121:8,17 122:10 329:23 <b>pic</b> 139:25 <b>pick</b> 5:6 <b>picture</b> 138:19 211:23 235:24 235:25 236:19 247:12 268:25 269:2,18 303:15 305:3 308:6 318:22 322:12 327:7 327:14 328:21 329:21 330:7 330:17 345:8 346:15 347:7
--	---	--	--

[picture - possibly]

Page 66

<p>361:22 362:24 363:21 365:11 <b>pictures</b> 49:5,6 62:16 129:7,7 131:7,10 140:1 143:20 145:8 145:11,14 179:17 199:21 212:4,15,17,23 212:24 213:2 242:6 305:2 311:14 322:14 328:22 331:3 361:23 362:3 368:12,15 369:5,15,16,21 371:20 373:6 373:17 398:20 <b>piece</b> 217:12 219:15 293:15 293:21 <b>pieces</b> 81:10 186:2 <b>pierce</b> 1:14 5:21 408:5 <b>pile</b> 269:19 <b>piles</b> 236:24 <b>pipe</b> 295:12 296:13 303:19 304:4 310:12 331:13,18,20 333:17,19 346:3,11,12,16 346:20 347:6,7 347:11,17,19</p>	<p>353:4,7 <b>pipes</b> 333:19 383:10 <b>pipng</b> 304:13 304:20 347:15 <b>place</b> 1:21 5:8 17:13 39:8 88:11 93:5 122:14,16 128:23 129:6 133:16,17 142:1 143:5 179:8 235:6 236:18 <b>placed</b> 63:16 <b>placement</b> 101:22 <b>plaintiff</b> 1:5 2:2 6:7 14:17,19 16:19 150:10 303:8 349:14 <b>plaintiff's</b> 221:16,16 397:5 <b>plaintiffs</b> 312:15 325:18 <b>plasma</b> 60:8,9 60:11 225:8,17 226:24 228:20 228:21 <b>plastic</b> 236:7 236:11 240:17 318:9 <b>play</b> 144:7 186:19,21</p>	<p><b>please</b> 5:5,7,24 6:14,22 13:8 127:8 281:13 363:14 <b>plus</b> 354:14 <b>pluto</b> 57:9,10 <b>poi</b> 243:19 <b>point</b> 8:13 18:12 28:13 39:4 47:22,22 61:16 62:10,19 63:7,10,14 64:7 72:20 86:7 100:19 107:3 150:25 155:25 186:12 204:4 224:16 226:10 229:18 243:19 260:3 262:9 263:14 268:20 269:15 279:2 288:24 292:8 339:15 343:3 356:18 357:18,18 370:25 392:6 395:14 399:17 399:23 400:3 <b>point's</b> 103:16 103:18 <b>pointing</b> 289:19 337:2 <b>points</b> 269:11 394:9</p>	<p><b>policy</b> 38:17 80:25 <b>poly</b> 236:13 <b>pornt</b> 243:19 <b>port</b> 39:3 <b>portion</b> 103:19 <b>position</b> 143:20 143:21 144:2,6 393:21 <b>positioned</b> 303:23 <b>positioning</b> 368:1 <b>positions</b> 101:23 <b>positive</b> 167:13 187:24 <b>possession</b> 24:15 136:18 <b>possibility</b> 76:4 322:9 381:19 <b>possible</b> 46:1 104:11 109:12 110:24 114:2 202:8,14,19 203:13 204:4,9 204:10,11 237:17 240:10 252:21,23 253:6 254:2,10 255:2,3 286:15 308:3,4 329:11 375:10 405:14 <b>possibly</b> 21:7 154:25 207:2</p>
---	--	---	---



[possibly - prior]

Page 67

227:23 228:1 229:17 234:4 235:7 249:3 292:3 299:4 320:15 <b>poten</b> 286:15 <b>potential</b> 31:17 99:23 245:17 286:19,20 357:17 375:14 394:8,10,13 <b>potentially</b> 141:18 350:21 358:7 381:5,7 <b>power</b> 111:18 111:23 112:7,8 112:15,16 161:11 162:15 271:10 <b>pp</b> 4:20 341:25 345:3,15 346:5 347:24 348:3,4 352:9,12,13 353:12 <b>practical</b> 252:14 <b>practice</b> 36:11 36:18 37:20 205:18,22 293:20 344:14 <b>precisely</b> 309:22 328:11 379:11 <b>predict</b> 308:9 308:10	<b>predominantly</b> 154:8 <b>preempted</b> 259:6 <b>preexisting</b> 196:9,19 197:4 402:5 <b>prefire</b> 101:23 104:13 <b>preliminary</b> 29:25 81:1 <b>prematurely</b> 110:19 <b>premises</b> 57:19 <b>preparation</b> 21:22 22:17 23:2,5 24:13 26:20 27:16,19 32:18 36:12 137:8 <b>prepare</b> 29:11 40:25 136:16 136:21 276:5 400:16,22 <b>prepared</b> 10:18 10:21,25 31:1 37:8 73:6,11 81:1 135:5,25 148:18 188:10 205:5 259:7 262:23 265:5 271:19 272:6 275:17 276:7 276:10 279:20 283:9,10	341:13 <b>preparing</b> 37:6 73:5 92:15 270:24 271:5 360:23 <b>presence</b> 115:16,22 223:23 367:5 382:20 399:2 <b>present</b> 6:1 21:8 52:10 53:23 107:24 114:22 115:7 119:21 133:17 161:5 218:12 329:23 362:6 366:22,23 404:13 <b>presented</b> 18:13 26:25 108:9 109:4 142:16 286:6 287:23,24 382:6 408:22 <b>presently</b> 77:6 <b>presents</b> 288:2 <b>preserve</b> 386:13,21 <b>preserved</b> 38:9 40:14 144:14 206:9 <b>preserving</b> 351:1 <b>pressure</b> 100:1 100:1 158:14	159:12 <b>presume</b> 13:11 <b>presumption</b> 60:4 110:13,16 <b>pretty</b> 52:5 60:21 79:12 108:24 112:20 142:2 152:18 336:8 <b>prevent</b> 121:25 344:8 <b>previous</b> 190:11 191:3 193:15 <b>previously</b> 54:21 57:16 142:9 <b>price</b> 83:14 <b>primarily</b> 106:11 208:16 208:17 210:19 379:12 380:13 <b>printed</b> 24:21 398:14 <b>printer</b> 138:12 <b>prior</b> 10:22 12:5 15:17 18:24 31:24 38:6 43:18 55:4 80:5 84:23 93:22 107:18 130:18 147:4 158:25 160:15 185:16 189:12,25
--	---	---	---

[prior - properly]

Page 68

191:5 193:20 212:9 225:4,19 226:23 230:12 275:8,9 280:25 282:15,15 289:9 311:1,8 319:12,13 322:5 329:20 360:18,23 372:7 374:3,13 393:9 394:6 <b>private</b> 5:6 8:23 27:25 <b>privy</b> 175:21 <b>pro</b> 195:7,7 <b>prob</b> 320:15 <b>probability</b> 205:7 <b>probable</b> 15:2 15:21 30:17,21 202:14,20 203:4,13 204:2 204:8,11,14 251:22 252:21 252:25 253:8 253:10,20 254:1,2,9,10 255:7 286:20 394:12,13 <b>probably</b> 24:16 27:9 35:18 43:3 45:2,14 50:20 51:12 52:16,18 74:1 79:12 81:5	129:1 141:8 143:2 157:7 171:3 175:14 197:9 199:15 208:21 225:11 226:4 228:18 228:18 237:23 247:15 256:8 286:23 322:24 363:20 370:16 372:19 389:17 402:13 405:18 <b>problems</b> 189:11,24 <b>procedure</b> 1:21 408:16 <b>procedures</b> 117:12 <b>proceed</b> 6:12 <b>proceeding</b> 5:24 <b>proceedings</b> 19:7 252:16 <b>process</b> 39:4 98:7,24 101:20 106:7 273:10 352:4,5 364:12 376:17 377:11 385:10 386:4 404:3,9,12,13 <b>processed</b> 404:14 <b>processes</b> 70:23 72:3 206:2	<b>produce</b> 272:15 272:20,22 379:10 <b>produced</b> 1:14 10:20 21:1,3 21:13 25:6,11 40:2 73:19 136:9 150:19 281:24 282:1 303:7 <b>product</b> 4:12 96:22 99:8,13 105:23 106:4 106:14 107:9 122:11,12 125:5 151:10 209:20 210:4 223:24 237:14 237:20 247:19 248:9 320:5,25 350:21 351:8 357:11 384:11 <b>production</b> 21:11 99:25 <b>products</b> 1:8 6:9 96:4 113:15 122:1 124:4 126:17 128:4 151:7 166:14 181:24 199:17,18,18 209:24 251:14 288:6,6 289:6 333:6,24 348:21,22,23	348:24 376:3 384:5 <b>profession</b> 261:1 <b>professional</b> 92:4 <b>profile</b> 84:25 <b>projector</b> 17:8 <b>prompted</b> 350:19 <b>pronounce</b> 22:2 26:2 <b>proof</b> 356:4 357:5 358:9,13 <b>prop</b> 227:12 <b>propane</b> 105:15,20 195:6,8,10 230:16 249:6 295:16 353:4 359:13 376:6 376:24 378:11 380:5 382:10 <b>propelled</b> 195:18 <b>propeller</b> 271:10 <b>proper</b> 192:3 386:15 <b>properly</b> 111:24 145:17 190:15 243:15 348:17,18 349:8,9 350:1 350:1,2 384:16
--	--	---	---

[properly - questions]

Page 69

384:18,23 <b>properties</b> 124:7 227:12 229:5,7,7,9,25 288:2 <b>property</b> 20:24 30:11 <b>proposal</b> 4:14 <b>protect</b> 207:10 <b>protected</b> 206:9 <b>protection</b> 91:22 94:17 214:12 <b>prove</b> 256:25 315:10 368:12 368:13 <b>proven</b> 260:22 <b>provide</b> 264:21 264:24 375:5 <b>provided</b> 9:13 146:4 218:19 325:18 <b>providing</b> 252:19 <b>prudent</b> 322:24 <b>public</b> 1:15 408:5 412:19 <b>pull</b> 47:8 54:19 137:17 209:19 210:16 211:14 331:7 <b>pulled</b> 197:9,16 <b>pulling</b> 262:12	<b>pulmerization</b> 96:18 <b>pulmerized</b> 96:18,21 <b>pumps</b> 46:16 46:17,19 47:4 47:7 48:1 <b>purchased</b> 85:6 <b>purpose</b> 240:22 343:7 <b>pursuant</b> 1:20 302:21 408:15 <b>push</b> 64:10 <b>put</b> 35:18 41:7 42:16 48:5,6 73:2 79:16 80:18 85:25 92:9 95:9 142:22 181:17 202:22 208:1 211:1 230:8 231:23 232:2 238:17 248:2 256:17 257:23 263:3 273:13 289:22,23 290:2 293:7,24 294:14 298:14 299:15 301:1 301:15 303:17 309:14 322:5 323:2 328:21 331:12 332:24 333:1 340:18 342:13 343:10	343:21 344:23 346:20 361:25 394:7,14 395:23 397:19 <b>putting</b> 79:25 301:25 311:13 <b>puzzle</b> 251:19 <b>pyrolyzed</b> 96:11,15	95:22 103:2 112:25 136:16 140:3 158:3 167:17 181:15 192:8,21 203:22 233:11 262:7 263:8 271:8 274:1,11 284:15 287:2 287:10 294:23 304:12 307:16 314:4 348:9 349:15 354:20 367:20,20 368:3 378:1 380:1 381:12 382:18 387:17 390:23 391:12 392:12 396:6 397:15 <b>question's</b> 13:3 <b>questionable</b> 257:1 <b>questioned</b> 272:4 <b>questioning</b> 131:24 <b>questions</b> 3:3,4 3:5,7,7 6:21 20:17 21:18 25:13 34:14 36:17 37:18,25 38:8,22 40:13 40:24 44:4 45:17 47:15
		<b>q</b>	
		<b>qualification</b> 70:9 <b>qualifications</b> 69:24 70:10 92:4 <b>qualified</b> 70:13 <b>qualify</b> 254:23 <b>quality</b> 256:11 256:11 <b>quantity</b> 294:15 295:8 298:1 <b>quart</b> 321:23 354:14 355:10 <b>quest</b> 94:6 <b>question</b> 12:25 13:5,7,11,19 19:8 32:11 36:16 37:16 46:9 51:7 56:15 64:23 65:5 69:21 73:10 84:16 89:5 93:19,21 93:23 94:3	

95:22 103:2  
112:25 136:16  
140:3 158:3  
167:17 181:15  
192:8,21  
203:22 233:11  
262:7 263:8  
271:8 274:1,11  
284:15 287:2  
287:10 294:23  
304:12 307:16  
314:4 348:9  
349:15 354:20  
367:20,20  
368:3 378:1  
380:1 381:12  
382:18 387:17  
390:23 391:12  
392:12 396:6  
397:15  
**question's** 13:3  
**questionable**  
257:1  
**questioned**  
272:4  
**questioning**  
131:24  
**questions** 3:3,4  
3:5,7,7 6:21  
20:17 21:18  
25:13 34:14  
36:17 37:18,25  
38:8,22 40:13  
40:24 44:4  
45:17 47:15

**[questions - questions]**

Page 70

55:2 57:17	149:1,9 150:8	201:7 202:2	270:15 273:21
62:21 64:14	150:18 151:2,9	203:2 204:1	274:12 276:13
65:3 66:9 68:1	151:24 152:20	205:2,20 206:6	277:3 278:3,8
69:22 71:10	153:3,17,24	206:14 210:3	279:13 280:24
72:9,14 80:11	154:6 155:10	210:15 211:9	281:6,13,18
82:8,18 84:20	155:16,20,24	211:21 213:5	283:15 287:1
87:3 88:15	156:6,13,21	213:11,19,25	287:14 288:11
89:4,15,20	157:3,17 158:1	215:9 216:1	290:1 291:4,13
91:12 92:13	158:3,15,23	217:2 219:10	291:24 293:1
93:2 94:7	159:5,9,14,18	220:13 221:1	293:12,18
95:14 96:8,14	160:14 161:4	221:24 222:23	296:10 297:15
96:19 97:22	161:20 162:10	224:12 225:15	300:7 301:7,19
98:14 99:10,11	162:20 163:4	226:6 227:14	302:9,20 303:5
99:20 100:25	163:11 164:2,7	228:2,16	304:7,23
101:5,12,17	164:24 166:7	230:18 231:5	305:24 306:15
102:3,17,20,23	166:17 167:14	231:17,22	308:5 309:21
104:4,25	168:2,12,20	232:5,16,23	310:23 311:6
105:10,21	169:7,13 170:4	233:14 235:9	311:12,24
108:1 109:19	170:15,23	235:23 237:18	313:3 314:25
111:5 114:21	171:4,14 172:3	238:9 240:2	317:6 319:2,8
115:15 116:1	172:13 173:24	241:12 242:13	319:22 320:6
117:8 119:4,23	174:12,17	244:4,7 247:8	320:22 322:11
123:14 124:16	175:8,16 176:3	247:24 248:7	323:5 324:1
125:6,24	176:13 177:4	249:7 250:8	325:8 326:22
126:12 127:7	177:14 179:13	251:23 253:19	327:13 328:9
128:2,22 130:7	180:1,24 181:7	254:20 256:3,9	330:19 331:11
130:22 131:13	181:11 182:8	256:18,21	332:11 333:11
131:18 132:8	183:5,25	257:14 258:17	334:6 335:17
134:18 136:20	184:18 185:9	259:4,14 260:6	337:6 338:13
138:1 139:11	185:14 186:1	260:17 261:12	339:1,18 340:4
139:23 141:4	186:14 188:15	262:6 263:6,15	340:8,25
142:6,20 144:4	189:6,23	263:17 264:18	341:12,23
145:4,18,24	190:25 191:24	266:12 267:4	342:21 343:20
146:12,17	193:4 196:23	267:21 268:13	344:13 345:13
147:1 148:13	197:15 199:8	268:18 269:6	346:17 347:18

[questions - reader's]

Page 71

347:23 348:8	<b>quote</b> 97:9	<b>ray</b> 1:8 6:10	65:9,20 69:15
348:10 349:11	99:22 101:7	21:9 47:10	71:19 75:6
350:5 351:3,16	105:2 194:8	79:5 120:12	76:25 83:20,25
352:16 353:21	215:1 253:10	121:7 190:7	84:15,17 92:20
354:11 355:18	254:21 260:22	194:16 199:10	100:20 101:3
356:2 357:21	260:23,23,24	199:13 200:16	103:7,10 108:2
358:2 359:3,21	260:24 261:1	222:6 230:11	108:4 115:11
360:1 362:9	272:7,25 356:3	263:18 270:1	116:15 126:16
363:4 365:13	357:6 375:15	273:25 287:12	127:11 152:6,7
366:9 367:11	399:23 400:4,9	315:5 316:7	154:7 165:1
368:8 369:8	<b>quoted</b> 356:12	347:1 348:9,13	177:9 178:21
370:5 379:2,22	357:10	348:21,22	185:19,23
380:10 381:22	<b>quotes</b> 177:5	349:15,22	191:16,17
382:7,23 384:7	<b>r</b>	350:7 356:15	192:8,9,14
384:9 385:25	<b>r</b> 2:1 4:13 45:3	357:11 358:18	204:16 206:7
388:17 389:13	78:24 96:20	359:6,13 360:3	207:12 210:1
391:22 392:5	270:17 298:14	360:11 367:8	212:25 221:20
394:25 396:5	409:13 411:3,3	369:19 378:4	226:19 249:8
397:17 399:7	<b>rafters</b> 262:15	384:6 387:11	261:17,24
399:11 401:11	<b>rags</b> 14:24	402:14,17	262:1 267:9,18
403:9 404:15	<b>rain</b> 319:4	<b>ray's</b> 21:13	267:23 271:2
404:20	<b>raise</b> 6:13	249:8 314:13	271:16 295:12
<b>quick</b> 14:22	97:12	<b>rays</b> 273:24	297:14,14
140:24 161:15	<b>ran</b> 50:7 162:6	<b>reach</b> 112:23	298:24 314:13
211:14 331:7	390:8	331:2	324:23,24
386:19 396:6	<b>rans</b> 2:10	<b>reached</b> 73:17	357:3,6 395:1
399:9	<b>rate</b> 87:12,15	165:7 295:20	395:16 399:16
<b>quickly</b> 17:6	87:20 230:17	327:20 334:1	399:17,22
79:12 270:17	<b>rather</b> 32:10	<b>reaching</b> 110:5	410:9 412:5
<b>quite</b> 139:22	76:21 83:13	148:19 165:2	<b>reader</b> 33:2
147:13 156:12	154:10 175:18	312:19	34:1,6 65:7,15
309:18 363:18	188:5 196:5	<b>read</b> 22:24 23:4	107:13 172:7
363:22	213:12 310:12	27:18,22 32:18	213:20 234:22
<b>quizzing</b> 95:19	310:16 365:3	32:19,24,24	<b>reader's</b> 32:25
103:13,20		33:19 59:24,24	108:3 226:19

[readily - recorded]

Page 72

<b>readily</b> 41:11 77:10	358:23 360:7 384:25 385:15	137:12 209:7 301:23 339:17	402:25
<b>reading</b> 97:16 97:21 99:5,16 100:8,10,11,13 100:20 189:13 232:24 324:24 402:22	385:19 386:8 391:5,6 396:15 403:2 410:11 411:6,9,12,15 411:18,21	<b>receiving</b> 85:24 85:24	<b>recommending</b> 274:7
<b>real</b> 140:23,24 161:15 211:14 331:7 343:14 343:14 386:19	<b>reasonable</b> 206:1 255:8 260:23,25 329:21,22	<b>recent</b> 29:5 72:23 88:5 323:11	<b>reconsider</b> 287:15
<b>realize</b> 260:4	<b>reasonably</b> 110:15 206:1	<b>recently</b> 20:9 75:15,20,24 226:11,14 242:17 251:2 317:9 325:18	<b>reconstruct</b> 104:7,10,12,17
<b>realizing</b> 61:7	<b>reasoning</b> 98:15,16,19,20	<b>receptacles</b> 112:14	<b>reconstructed</b> 104:16,17
<b>really</b> 41:12 45:13 50:1 61:16 87:8 90:22 92:21 196:13 301:13 317:24 334:3 389:20 399:9 401:23 405:8	<b>reasons</b> 83:14 162:19 235:6 317:2	<b>recess</b> 84:12 189:3 270:12 328:6 370:2	<b>reconstruction</b> 101:14,19 102:14
<b>realm</b> 349:2	<b>rec</b> 286:14	<b>rechecked</b> 111:20	<b>recontacted</b> 68:24
<b>rear</b> 167:25 168:9	<b>recall</b> 43:13 52:10 54:3 79:21 80:17 115:6 152:8 161:8 210:10 210:11 235:25 249:10 297:7 307:4 335:13 370:17 371:11 371:15	<b>recognize</b> 33:1 55:3 192:12 282:17	<b>record</b> 5:4,9 6:2,22 35:10 35:24 49:17 52:22 71:14 84:5,11,14 161:10 182:25 189:2,5 192:2 232:6 270:11 270:14 272:7 276:20 303:9 315:3 316:6 328:2,5,8 370:1,4 406:7 406:12,13 408:20
<b>reason</b> 83:11 109:11 141:21 173:16 174:13 245:4 257:9,9 257:11 272:23 274:14 275:22 289:8 297:8 303:4 308:15 309:2 315:9,10 333:23 336:9	<b>receipt</b> 410:18 <b>receive</b> 98:23 109:6 <b>received</b> 23:10 79:7 85:13 109:10 137:12	<b>recognition</b> 395:12 <b>recommenda...</b> 84:7 <b>recommended</b> 78:2,19 79:4 91:21 94:17 273:3 274:16 275:14 302:21 303:1 343:25	<b>recorded</b> 5:10 34:1,6 65:14 165:11,19,21 168:13,21 180:10 181:8 183:11 192:17



[recorded - relied]

Page 73

259:22 <b>recording</b> 5:8 160:22 312:17 313:9 <b>recordings</b> 36:1 <b>records</b> 20:24 21:2 25:1 62:22 66:17 194:2,10 203:13 <b>recover</b> 309:1 <b>recreating</b> 101:20 <b>rectangular</b> 119:12 223:11 241:20 245:22 277:10 318:13 320:1,24 <b>recurred</b> 351:6 <b>red</b> 155:12 158:9 322:1 332:7 336:25 342:15 344:5,7 365:20 <b>redirect</b> 3:6 399:10 <b>reduce</b> 88:3 <b>reduced</b> 408:18 <b>refer</b> 81:7 95:12 98:4 118:11 122:12 148:17 200:9 207:11 236:10 261:18 269:15	270:24 309:6 <b>reference</b> 8:23 15:24 19:6,23 22:22 23:16 28:6 45:24 49:10 55:17 67:14 92:14 94:12,19,23,24 116:2 122:18 162:23 170:5 172:4 183:6 205:13 243:19 279:9 283:10 295:7 307:9 335:5,8 350:9 357:17 358:17 361:6 386:23 388:10 394:17 394:20 <b>referenced</b> 25:10 373:23 395:15,16,20 410:6 <b>references</b> 302:12 321:22 331:25 <b>referencing</b> 55:1 74:14 118:22 129:5 133:22 144:6 265:13 290:22 358:5 398:7 <b>referred</b> 120:14 124:2 175:6 184:7,11 251:6	266:7 272:19 281:19 304:11 351:4 <b>referring</b> 22:21 42:21 50:19 90:3 149:8 163:19 199:12 234:18 255:10 258:24 294:7 323:21 328:10 331:3 352:8 371:18 374:15 388:10 <b>refers</b> 304:9 <b>refine</b> 19:8 <b>reflective</b> 363:21 <b>reflector</b> 306:6 306:24 347:12 361:8,17 362:19 364:23 <b>reflectors</b> 307:1 347:12 347:13 372:6 372:22 379:6 380:7 382:11 <b>refute</b> 375:11 <b>regard</b> 183:24 394:25 <b>regarding</b> 114:6 117:19 125:9 205:6 281:18 283:13 341:21 351:9	<b>regardless</b> 372:5 <b>regards</b> 30:19 81:9 <b>regular</b> 7:12 84:7 89:23 120:7 228:24 <b>related</b> 5:22 66:21 106:19 142:15 189:11 189:25 305:3 403:14 <b>relating</b> 6:17 <b>relation</b> 348:14 <b>relationship</b> 347:11 <b>relative</b> 174:22 402:18 409:2 <b>relayed</b> 31:13 <b>release</b> 99:25 100:1 183:23 <b>released</b> 397:7 <b>relevance</b> 88:21 132:1,3 139:4 141:16 142:13 144:10 144:18 158:12 <b>relevancy</b> 144:13 <b>reliable</b> 157:14 <b>relied</b> 180:11 196:14 253:9 283:5 313:5 350:14
--	--	---	---

[rely - reports]

Page 74

<b>rely</b> 150:10 276:23 312:19 313:23 341:22 350:16	<b>removed</b> 221:20 <b>removing</b> 272:9 273:1	35:9,21 39:17 39:20 40:2,4 42:6,9 65:21 67:14,18,19 68:6 71:18,19 71:23 72:17,23 73:2,6,8,9,24 74:2,7,7,14 76:22 80:6,7,7 81:1 90:4,5,13 90:23 91:3 92:9,10,18 93:4,7 95:1 104:21 116:3,8 117:17 126:6 126:15,23 127:1,13 128:1 136:2 137:13 137:14 167:11 178:15 181:17 189:7 201:18 202:3,4,5 203:6,7,12,15 204:16 205:1,5 210:11 232:4 232:11,17,24 233:19 243:9 243:18 244:10 244:13,17 249:8,10 253:23 259:8 261:15 275:6 275:13,16,19 280:18,21 282:23,24	283:1,5,7 288:17 310:5 314:13 339:17 341:13,20 350:9 355:19 356:10 361:2,3 362:1,10,10,16 364:5 366:11 366:13 368:24 368:24 369:10 374:1,7,14 376:5 390:15 390:18 397:6 397:22 <b>report's</b> 83:1 <b>reported</b> 44:14 <b>reporter</b> 5:20 6:11,13 12:24 82:14 84:18 139:13 188:23 192:10 366:5 406:14,17,20 407:6 <b>reports</b> 10:18 10:21 21:24,24 22:8,20,25 25:17,21 33:5 35:22,23 36:12 37:6 49:11 60:3 67:16 73:7,13,18 92:15,19 94:13 94:19,22 95:3 104:18 181:12 204:4,18,21,24
<b>relying</b> 191:19 307:21	<b>ren</b> 15:17		
<b>remain</b> 124:4 127:13	<b>render</b> 260:21		
<b>remaining</b> 167:3	<b>rendered</b> 14:25 15:17		
<b>remains</b> 96:4,7 128:1 156:2 166:5 173:4,6 173:7	<b>rendering</b> 15:18		
<b>remember</b> 16:7 16:11 17:17 18:2 24:2 43:12 53:21 55:12 109:17 147:20 287:2 297:11 335:5 356:17 370:21 385:4 396:12 398:2,23 402:13,22	<b>reorder</b> 98:9 <b>repaint</b> 57:24 58:1 <b>repair</b> 54:15 55:22 57:22 58:1,23 126:18 128:4 <b>repairing</b> 59:19 106:8 <b>repairs</b> 57:25 58:11,16 226:25 <b>repeatedly</b> 351:6 <b>rephrase</b> 13:9 307:16		
<b>remnants</b> 121:21 122:23 142:2 376:11	<b>replaced</b> 196:9 196:20		
<b>remodeling</b> 273:11	<b>report</b> 10:24,24 14:9,11 15:3,5 15:18,22 16:1 22:1,10,11 23:4 29:2,12 29:23,25 30:1 30:17 31:1		
<b>removal</b> 101:22 279:18			
<b>remove</b> 274:4 373:18			

[reports - retained]

Page 75

205:4 231:25 232:7 243:7 253:21 254:12 255:21 260:1 261:14,18 270:24 275:4 283:8 289:22 358:20 360:19 360:24 373:24 401:16,18 403:6,18 <b>represent</b> 214:14 219:25 324:8 384:5 <b>representation</b> 114:2 <b>representations</b> 114:1 396:16 <b>representatives</b> 221:17 <b>represented</b> 398:12 408:23 <b>representing</b> 5:19 30:10 <b>republic</b> 1:4 5:12 24:4 26:12,14 27:4 33:11 42:18,22 43:7 52:8 64:5 66:3,6,15,20 74:25 75:1,1 120:13 129:19 130:9 134:6 141:7 142:7 147:2 160:3	182:25 197:22 212:20 215:1 225:4,19 264:21 272:25 273:8 274:24 277:16 279:17 280:25 281:7 285:25 303:8 304:4 305:9,12 305:13,17 306:1,20 307:9 307:10,10,16 309:1,22 310:14 313:11 345:24 346:2 346:18 347:2 347:20 349:21 410:4 411:1 412:1 <b>republic's</b> 121:4 264:24 315:15 <b>request</b> 106:23 187:20 284:2 285:16,23 287:9 317:9 323:13 325:11 340:11,16,19 340:21 390:21 <b>requested</b> 39:12 41:7 83:8 84:17 137:15 192:9 210:25 223:13 250:6 284:21	315:19 390:13 404:14 <b>requesting</b> 20:19 <b>require</b> 159:13 159:15 221:19 229:2 <b>required</b> 70:1 252:19 392:21 412:13 <b>requirement</b> 91:16 144:14 180:22 181:5 <b>requirements</b> 70:2 181:4 402:15 <b>res</b> 372:20 377:7 <b>research</b> 196:8 196:11 210:16 <b>researching</b> 251:4 <b>reserve</b> 19:25 20:2,3 <b>residence</b> 409:18 <b>residential</b> 31:21 <b>residue</b> 106:6 151:3,10 167:7 285:5 371:3,14 371:16,19 377:7 380:8 397:25 398:7 398:16	<b>resistor</b> 195:3 <b>resolved</b> 145:16 206:2 <b>respect</b> 107:22 <b>responded</b> 19:19 21:11 53:15 <b>response</b> 21:13 218:20 220:18 <b>responsive</b> 25:9 279:15 <b>rest</b> 178:21 217:23 287:4 295:12 299:7 357:6 372:15 377:15 <b>restaurant</b> 14:23 <b>restricted</b> 225:16 <b>rests</b> 124:17 <b>result</b> 110:21 117:10 166:20 166:23 210:8 237:2 288:14 359:4 383:5 <b>resulting</b> 400:1 <b>results</b> 142:18 307:22 382:3,8 <b>resumed</b> 135:17 <b>resumé</b> 81:13 <b>retained</b> 4:9 14:17 16:19 74:18 205:25
---	---	--	---

[retained - right]

Page 76

223:13 312:16	32:17,24 33:16	144:16 146:25	222:9 223:5,25
349:20	33:21,22 34:24	148:7 149:19	224:8 225:5,9
<b>retention</b>	36:3 37:3,8,12	150:23 154:7	226:12,21
205:16	37:22 44:22	158:7 159:15	228:6,20
<b>retirement</b>	46:15,18,18	159:16,16,21	229:23 230:2
86:20	47:22,24,24	160:4,6,18	230:20,24
<b>retract</b> 112:25	48:1,2,14	161:24 163:21	234:19 235:5,5
<b>retrieval</b> 386:4	49:15 50:10,23	164:4 165:4,20	236:5,7 238:19
<b>retrieve</b> 386:10	51:2,23 52:2	167:19 169:19	241:20,23
<b>retrieving</b>	55:6,9,14 56:1	171:22 172:7	242:18 243:22
385:10	56:6,13,15,16	172:20,22,23	248:14 249:15
<b>return</b> 410:13	58:11 59:15	172:25 173:2	253:14,17
410:17	62:25 67:20	174:7,9 175:12	255:13,18
<b>returned</b>	69:13 70:6,12	175:14,19	261:23 266:18
299:23 339:20	72:10,25 73:4	176:18 177:15	266:19 272:14
<b>returning</b>	74:12,19 75:6	177:17,24	273:23 275:22
344:21	78:17 79:10	182:14,16,24	276:8,14 277:4
<b>review</b> 21:22	80:14 81:25	183:15 184:5,8	278:1,21 279:7
24:17 72:3	82:8 85:3	184:10,13,19	279:11 280:3
90:15,15,23	87:14 89:5,21	185:19,23	280:13,16
91:17 410:7	90:25 91:2	189:22 190:23	281:14,18
<b>reviewed</b> 21:24	92:10 93:3,8	190:24 193:12	282:8,17,25
21:24 22:1	95:18 97:4	193:14,18	283:3 288:19
23:10,18 24:19	98:5 100:16	194:1,15,19	289:21 290:21
25:22 26:19	109:21 116:4	195:14,16	291:6,12 293:4
27:16 90:6	116:18,24	197:13,20	293:4 294:12
91:4	117:7,13	200:19 202:9	294:14,15
<b>right</b> 6:14 7:12	118:16 120:19	207:16 208:2	295:17 298:1,5
7:25 9:18,22	125:9 126:19	208:12,15,18	298:18 299:14
10:17 11:3	126:20 128:6	210:3 212:2,22	299:17 301:3
13:7,12,19	129:7,9 130:13	212:25 214:8	303:13 304:18
14:6 18:13	130:17 135:1,4	214:13,19	308:12 310:8
19:1,3 21:17	135:6,7,9,18	215:17 216:6	311:23 312:4
25:7,19 27:7	136:7 137:21	218:11 219:14	312:13 313:19
29:11,22 31:4	139:7,18,19	219:25 220:22	314:1 317:18

[right - rules]

Page 77

317:18 318:4	<b>rimkus</b> 8:24	317:10 322:6	178:3 193:24
318:20 319:5	9:9,14,24,24	323:12 325:19	194:18 196:2
319:17,18,19	10:1,6,9,14,17	336:23 339:21	196:10 197:9
319:20 322:6	10:23,25 11:21	341:4,15	197:16 198:16
323:11 324:22	12:1,7 14:14	344:19,21	209:9 214:18
325:16 326:4	15:11 21:5,11	345:8,8 366:18	214:22 220:2
326:11 327:16	21:12 24:7,8	368:22 370:8	223:19 231:3
330:4,10 331:5	24:10 25:23	370:15 371:21	237:2 240:7
331:16 335:2	26:3,24 27:12	372:9 383:15	249:23 295:14
335:21 336:22	28:2,7,11,16	398:22 404:2	302:4 314:5,6
336:24 338:5	29:6,13,19	<b>rimkus's</b> 62:22	315:8 317:14
338:14 339:5	32:7,13,16	<b>rise</b> 128:9	355:23 368:6
340:9,22 342:6	33:25 34:4	<b>rl</b> 316:11,12	377:15 378:3
343:5,13	35:8,14 36:8	<b>road</b> 7:18 27:4	379:24 404:3
345:10,24	38:10,17,21,24	121:5	<b>rough</b> 136:25
346:16 351:10	39:1,23 40:4,8	<b>role</b> 33:10	278:10,19
352:2,18 353:5	40:14 42:16,22	186:19,21	<b>roughly</b> 46:12
353:7,22	43:6 53:5	389:23	62:24 89:13
354:17,22	62:23 64:1,4	<b>ron</b> 34:8 83:20	146:6 173:19
355:9 356:20	66:12,18 74:17	<b>roof</b> 165:20	189:8 203:3,5
358:25 362:15	80:24 84:23	167:5 222:1	213:12 214:25
362:23 364:2	85:2,5,14,18,21	262:15 263:2,4	280:10 401:13
365:9,11,12,21	85:22 87:4,11	264:6 373:22	<b>routine</b> 111:16
367:2 373:3,21	87:14,23 90:13	<b>room</b> 66:25	234:14
374:8,22	90:20 91:14,16	106:25 120:20	<b>rubble</b> 59:10
376:25 378:9	95:1 113:23	129:11 132:23	<b>rule</b> 109:14,14
378:12,14,20	118:16 134:4	133:12,12,19	156:24,24
380:3 385:24	137:7,8,11	134:22 138:5	207:25 247:25
386:1,5 387:10	138:4 159:21	141:11 143:6	248:3 250:9,12
388:9,14,24	183:16 185:10	146:6 156:17	250:12 405:9
392:7 394:18	187:15 236:5	167:15 169:19	<b>ruled</b> 187:5
399:5 400:23	242:18 265:13	169:24,24,25	<b>rules</b> 1:20
401:16 405:20	265:18 266:24	170:1,6 171:5	11:16 12:20
<b>rim</b> 142:7	276:7 290:8	173:2,5,8	408:15
	297:20 299:23	176:1,20 177:1	

[run - says]

Page 78

<b>run</b> 89:13 162:2 308:21 <b>running</b> 112:17 393:15 <b>runs</b> 146:21 234:7 <b>rupture</b> 96:24 343:18 <b>rust</b> 320:14,15 <b>rusted</b> 268:10 269:8 319:5 320:1,13 <b>rusty</b> 320:23	49:14 51:16 52:8 152:4 257:20 263:16 264:11 <b>samir's</b> 261:25 263:8 <b>samp</b> 309:10,18 <b>sample</b> 132:17 132:18,20,21 133:2 135:14 167:12,12 224:16 237:24 284:17,19 285:13 294:17 294:21 295:1,8 303:24 308:21 309:23 310:2,9 310:11,15 324:11,21 331:25 338:6 346:3 350:19 352:18 353:4 367:23 386:19 <b>samples</b> 77:21 126:9 142:19 238:17 281:19 284:14 285:4 285:11 286:7 290:15 291:14 291:17 292:20 295:11,18 296:8 308:11 309:17 310:3 310:20 311:16 326:4,7 329:3	334:17 341:16 341:21 355:1 367:15,23,25 373:14 385:8 391:1 <b>sampling</b> 386:24 <b>samplings</b> 307:22 <b>sand</b> 57:24 <b>saran</b> 318:2 <b>sat</b> 15:10 <b>saturation</b> 364:8 <b>saturday</b> 28:17 <b>save</b> 287:12 <b>saw</b> 34:20 118:14 121:20 132:9,9 142:2 148:23 152:13 152:13,14,16 152:19 154:8 154:16 177:25 178:12 199:21 207:17 237:8,9 250:18 255:16 264:5 288:9 289:6,7 317:21 330:6 364:13 372:4 375:4 382:5 <b>saying</b> 37:5 49:25 69:18 105:17 112:11 112:13 121:3	123:20 151:14 154:15 176:21 176:23,25 179:21 181:20 181:21 200:20 217:10 223:14 228:7 229:14 232:25 234:16 256:23 372:18 372:19 377:24 380:2 381:18 388:18 398:13 <b>says</b> 12:3 90:23 96:3 126:6 160:3 162:1,3 162:21,21 163:5 164:8 169:19 171:8 171:15 172:14 172:15,22 173:1,13,19 174:2 177:5 178:22 183:6 189:11 206:4 210:11 227:9 252:18,23 253:2 265:15 265:17,19 266:4,13,14 277:5 282:8 288:1 291:5 296:11 298:7 316:2,11 324:23 326:25 338:4,6,11
<b>s</b>			
<b>s</b> 2:1 4:14 48:6 48:12 266:18 271:8 301:1 411:3 <b>safe</b> 223:4 <b>safety</b> 209:13 210:17 <b>saith</b> 407:11 <b>salamander</b> 146:13,21 147:3,11 156:2 156:7,25 157:11 170:16 170:21,24 173:11 <b>salamanders</b> 171:15,19 <b>samir</b> 43:25 44:1 45:2 46:10,14 47:18 48:3,3,13,20			



[says - see]

Page 79

<p>352:17 356:3  358:7,9 374:19  390:13  <b>scene</b> 26:3 27:3  31:6,8,19 45:1  50:9 51:16  61:9,13,17  62:12,18 63:13  64:15 77:15  81:14 96:5  101:14,19,20  101:21 102:7  104:7,10,12  113:20 114:12  115:17 118:15  206:8 216:17  238:22 249:16  255:16 257:25  259:12 286:6  286:12 321:6  382:6 390:7  401:12 404:13  <b>scene's</b> 102:6  391:2  <b>scenes</b> 389:15  <b>schematic</b>  136:14,21  <b>schematics</b>  135:25 206:21  <b>science</b> 397:1  <b>scientific</b> 15:6  15:25 31:3  108:5,5,7,11,21  109:20,21,23  187:4 260:23</p>	<p>289:14 393:22  393:25  <b>scott</b> 34:9  314:20,21,24  315:5  <b>scottsdale</b>  68:14  <b>scrape</b> 296:20  <b>scraped</b> 335:25  <b>scrapping</b>  295:11 296:12  296:13,16  386:24 387:2  <b>scrapings</b>  78:15 295:17  307:18 308:7  309:9 323:7  355:1  <b>screen</b> 47:9  50:23 138:8  <b>seal</b> 409:6  <b>sealed</b> 117:16  119:3,14 121:2  121:25 199:16  323:3 330:8  358:11,12,14  <b>sealing</b> 311:9  322:13,15  <b>searched</b>  209:24  <b>sec</b> 293:13  <b>second</b> 4:6,7  20:9 28:25  29:1 39:20  54:17 62:23</p>	<p>63:20,21 74:16  75:5 90:4  105:22 111:20  113:11,13  144:12 149:10  187:8 191:6  210:22 211:13  211:18 232:17  244:13 251:13  292:21 301:16  316:2 341:13  355:20 361:1  362:10,16  364:4 369:10  373:1 374:7  376:5,9,9  377:21  <b>section</b> 56:18  56:22 58:5,6  94:19 97:23,24  99:21 101:7,13  101:18,19  105:1 206:11  243:2 251:24  254:21 255:10  260:18 266:1,6  266:6 277:23  304:16 305:16  374:19  <b>sections</b> 41:22  82:21 94:23  95:4 331:18  335:25 395:17  <b>secured</b> 344:6  344:18,20</p>	<p><b>security</b> 8:20  86:21 153:5  405:25  <b>see</b> 34:22 55:8  56:9 62:18  73:3 81:8 90:9  107:12 109:9  116:5 118:6  121:8,17 122:7  127:15 131:21  138:19 139:5  139:16 140:4  140:15,22  142:23 146:11  149:18 155:13  160:1 161:14  162:3 163:6  164:10 165:15  165:20 166:5  168:25 171:10  171:16 173:14  174:3,6 177:6  183:6,13  185:15,19  189:12 198:23  204:25 209:20  211:22 212:18  213:6,10,12,17  214:16 216:2  217:15,17  218:16 221:2,4  231:11 234:15  234:19 236:14  236:18,21  238:6 240:19</p>
--	--	---	---

[see - set]

Page 80

241:17 244:19 244:21 246:19 249:20,21 255:17 257:24 257:25,25 258:22 260:1,2 262:8,9,11,13 262:16 263:19 265:10 266:6 267:5 268:1,9 270:21 271:11 272:2 274:22 277:6,12 278:15,19,25 279:23 282:10 283:19 289:3 295:13,22 300:18 302:10 303:10,13 305:25 306:2 306:18 309:1 312:1 313:19 316:8 319:21 319:23 320:8 320:23 322:12 325:20 331:8 337:19 341:8 350:20 356:8 357:9,22,23,24 358:3 362:15 363:25 364:3 365:11,14 366:3 375:14 383:17,17,19 387:13,15,17	387:18,22 388:3,6,7,8,18 388:20,22,22 397:25 398:7 398:15 <b>seeing</b> 335:5 397:6 402:13 <b>seek</b> 155:9 <b>seeks</b> 154:23 155:8 <b>seemed</b> 236:24 <b>seemingly</b> 110:19 <b>seen</b> 20:11,13 20:21 21:12 34:18 49:10 67:19 118:14 118:18 137:6 148:7,11,14,16 165:5 174:18 178:10 179:19 180:4 182:11 185:15,16 188:7,13,18 211:10 212:2 218:17 238:12 265:12 271:13 272:12 276:3 277:1 278:13 278:17 302:19 312:6,8 321:12 330:5 <b>select</b> 394:13 <b>selected</b> 83:11	<b>self</b> 75:2 <b>semicolon</b> 105:3 <b>send</b> 90:14 132:20 285:2,2 285:4 309:19 325:11 334:9 340:22 <b>sends</b> 195:1 <b>sensitive</b> 5:5 <b>sent</b> 71:19 126:9 137:11 137:12 166:21 167:11 213:1 218:20 284:17 284:18,20 285:10,11,15 292:21 296:23 297:10,12 299:20 300:9 312:23 324:10 334:17 337:11 338:23 339:2 340:9,10 341:21 354:18 354:25 382:24 383:1,3,7 410:14 <b>sentence</b> 76:24 90:5 126:16 127:11,16,17 162:12,21 178:21 180:9 357:3	<b>separate</b> 260:8 285:11 292:16 <b>separated</b> 170:1 217:13 217:22 339:19 379:24 <b>separately</b> 260:9 293:15 <b>separating</b> 213:14 <b>separation</b> 55:20 346:16 <b>sequence</b> 194:15 372:7 374:22 376:2 376:22 377:23 378:2,5,7 380:4,21,22,25 381:1,2 382:8 <b>sequential</b> 371:1 374:19 <b>sequentially</b> 338:16 <b>service</b> 4:13 160:3 270:19 <b>services</b> 1:4 5:12 26:12,14 75:2 274:24 410:4 411:1 412:1 <b>servpro</b> 183:11 183:16,19 <b>set</b> 105:2 134:13 172:18 233:15 234:11
---	---	---	--

[set - showing]

Page 81

409:5 <b>sets</b> 316:15 <b>setting</b> 25:19 25:20 36:3 75:7 89:16 314:4,7 <b>settled</b> 18:9 <b>seven</b> 19:1 34:17 102:18 157:18 164:25 325:22,22,23 326:2 327:16 327:18,23 328:12 329:4 329:12 330:13 331:22 366:12 389:9 <b>seventeen</b> 190:18 399:21 <b>several</b> 40:23 54:11,11 70:23 82:21 93:15 107:20 111:9 113:24 154:4 162:19 208:24 208:25 239:8 369:4 372:21 373:17 389:19 390:7 394:23 398:20,21 403:11 <b>shadow</b> 33:16 34:7 83:10,25 84:19 154:1	<b>shamir</b> 152:4 153:20 257:20 <b>shape</b> 119:12 150:11 241:21 271:5 321:16 382:15 <b>shaped</b> 118:12 320:24 <b>sharee</b> 123:22 166:20 210:7 223:22 282:14 284:2 285:16 288:12 296:25 299:21,23 300:9 307:23 322:4 334:9,16 335:24 337:11 338:21 339:19 341:1,14 342:14,23 343:23 344:24 351:12 352:1 354:14 382:15 382:20 383:7 <b>sharefield</b> 34:9 <b>sheboygan</b> 106:15 123:16 123:23 124:9 124:19,20 125:8,13 126:1 130:10 135:8 141:10 142:8 199:23 214:19 229:2 284:4,9 285:18 286:1	287:16 288:14 315:14 351:9 396:12 <b>sheet</b> 4:13 106:14 124:9 159:23 209:14 218:5,6,7 282:20 396:17 410:11 <b>sheets</b> 124:3 125:20 126:6 210:17,17 216:19 248:19 248:22 341:11 396:8,10 <b>shelf</b> 79:16,18 257:24 394:7 <b>sheriff</b> 19:22 <b>sherwin</b> 178:20 178:20 <b>shield</b> 305:18 305:20,22 363:16 <b>shields</b> 402:19 <b>shift</b> 8:5 390:1 <b>shingle</b> 165:20 <b>shingles</b> 165:24 166:2,6,18 167:2,3 <b>shipped</b> 335:23 338:20,21 339:21 341:1,2 341:15 342:22 343:22 344:23 354:13	<b>shipping</b> 135:5 322:5 342:13 <b>shop</b> 57:23 61:1 184:7 188:7 220:21 273:2 <b>shops</b> 121:16 <b>short</b> 29:7 30:1 30:25 43:22 45:13 69:2,5 133:2 160:8 <b>shorter</b> 74:18 <b>show</b> 48:6 103:8 145:13 145:14 156:1 203:12 268:25 287:18 307:10 307:12 324:3,6 328:11 333:3 336:21 338:17 347:14,14 348:16 362:6 365:15,19,21 365:24 367:6 368:2,4,17 369:15,15 370:11 371:22 <b>showed</b> 134:14 223:23 224:3 328:12 370:13 371:3 372:21 390:5 398:4 <b>showing</b> 142:25 178:7 238:12 268:21 299:20
---	--	---	--

[showing - situation]

Page 82

310:5 311:15 345:9 347:7 365:3 <b>shown</b> 50:19 52:2 179:18 221:8 245:22 267:15 278:5 310:12 327:14 327:23 331:14 333:12,17,20 334:18 337:10 345:14,15 346:5,9 397:18 404:5 <b>shows</b> 268:25 278:19 300:1 305:18 318:2 321:4 322:1 324:5 331:22 336:23 345:19 346:3,16 352:20 353:16 365:2 368:19 385:9 394:24 <b>shred</b> 35:12 <b>shut</b> 111:16,17 111:25 112:3 <b>sic</b> 6:9 42:16 55:3 62:23 64:1 101:13 136:3 145:3 153:20 177:25 249:3 351:6 353:1 400:16	<b>side</b> 15:12 41:24 42:1 47:6 50:23,23 52:2 56:8 139:10 143:24 158:7,17 164:9 164:13 176:19 217:24 218:23 219:2,25 243:12,13 251:16 262:13 262:18 263:20 264:9 269:14 278:21 304:17 316:12 319:18 336:21 362:24 402:20 <b>sides</b> 331:1,1 <b>sign</b> 410:12 <b>signature</b> 406:15 408:22 409:12 <b>signed</b> 312:1 410:20 <b>significant</b> 93:11 103:19 <b>silicone</b> 119:14 <b>silver</b> 246:21 247:3 <b>silvery</b> 241:3 <b>similar</b> 124:7 141:23 145:15 150:22 151:6 198:12 227:11 229:7,24 247:5	321:16 323:2 372:2 387:9,12 390:9 <b>similarly</b> 406:21 <b>single</b> 95:5 102:8,9 201:17 205:1 307:14 <b>sinus</b> 312:10 <b>sir</b> 7:2 12:19 13:24 15:4,8 15:23 16:2,23 18:16,23 60:7 60:10,14 63:24 65:16 68:11,13 74:10,13 75:10 81:16 85:4 87:13 91:24 92:2 93:6 98:12 99:2 101:11 117:6 120:9 130:20 131:11,22 157:21 160:10 210:6 211:8 215:11 218:4 219:4,6 221:5 222:4 234:20 235:11 241:19 244:22 249:19 263:22 264:16 264:16 265:23 277:7 281:8 291:8 315:23 316:1 318:5	319:12 320:19 342:2 355:25 370:20 383:9 398:10 399:14 404:21 <b>sit</b> 100:19 190:14 304:14 <b>site</b> 31:25 35:5 41:9 46:3,21 53:23 62:20 63:20 75:23 87:10,20 113:6 113:24 115:25 136:3 142:17 160:3 161:21 163:13 182:14 215:1 250:6 259:18 288:9 344:18 390:21 390:22 <b>sites</b> 257:25 385:11 <b>sitting</b> 281:17 332:9 <b>situation</b> 95:8 121:21 133:1 193:9,11 196:14 207:19 224:23 226:1 226:10 227:25 234:10 235:4 237:22 254:6 257:24 258:12 286:9 288:8 309:15 344:16
---	---	--	---

[situation - southern]

Page 83

392:17 <b>situations</b> 390:9 <b>six</b> 10:11,13,15 10:19 12:15,16 18:25 44:19 58:4 123:3,5 211:8 220:11 325:23 339:21 341:16 370:3 406:10 <b>size</b> 106:18 245:12 300:9 <b>sketch</b> 136:25 <b>skip</b> 57:4 72:22 76:23 281:12 311:25 325:1 325:14 345:7 <b>skipping</b> 76:22 277:10,11 351:4 <b>slab</b> 174:3 <b>slash</b> 298:4,20 298:25 <b>slightly</b> 384:21 <b>slow</b> 13:2 <b>small</b> 122:1 138:23 208:6 265:19 <b>smaller</b> 208:10 <b>smelled</b> 183:12 <b>smoke</b> 152:13 152:16,18 183:12 375:19 375:19	<b>social</b> 8:20 86:21 <b>soliciting</b> 281:1 <b>solid</b> 388:19 <b>solidified</b> 321:1 <b>solutions</b> 410:23 <b>somebody</b> 45:25 75:3 149:21 175:4 299:1 300:25 328:20 366:21 391:18 <b>somebody's</b> 65:20 <b>soon</b> 46:1,1 262:11 340:10 364:12 <b>sooner</b> 364:12 <b>sor</b> 406:23 <b>sorry</b> 9:17 10:8 12:4 14:18 22:7 23:2 32:10 37:23 39:10 43:6,21 57:20 59:17 60:15 64:5 66:20 77:24 79:5 82:13 95:15 111:4 112:25 115:19 116:6 120:13 123:13 124:10 127:21 137:21 137:22 148:4	161:5 168:3 197:23 198:6 204:20 206:1 215:3 220:8 223:24 227:18 229:1 234:24 235:18 242:3 252:14 254:9 260:16 264:14 283:19 294:20 295:2 300:2 310:22 325:22 332:23 334:7 340:10 341:24 350:10 354:13 364:25 366:11 369:16 377:21 <b>sort</b> 41:3 46:6 56:9 80:19 116:16 158:7 236:12 240:15 241:20 283:24 318:12 <b>sou</b> 295:9 <b>sound</b> 33:17 62:25 65:22,24 85:3 90:25 133:24 329:21 <b>sounded</b> 79:2 <b>sounds</b> 33:18 65:25 91:2 155:2 329:22 <b>source</b> 32:13 97:9,10 166:19 196:1 197:3	209:5 224:8,18 229:21 285:6 289:10 377:25 380:23 394:10 399:25 403:10 <b>sources</b> 8:18 <b>south</b> 15:12 56:8 86:6 116:22 154:18 164:13 169:25 169:25 185:20 202:7 208:22 209:4,6 217:24 217:25 218:2 220:2 243:2,3 243:6,12,22,24 244:1,5 246:3 246:5,13,14 262:13,18 264:9,15,16 277:21 294:18 295:13 298:4 304:8,9,10 342:4,5 345:17 345:18 346:10 352:18 353:5 366:14 368:17 368:18,22 370:23 377:18 377:18 404:4 <b>southeast</b> 161:12 173:13 173:20 174:8 <b>southern</b> 154:9 170:8 220:21
--	---	---	--

[southern - stand]

Page 84

263:20 <b>soyk</b> 75:7 90:6 90:23 <b>space</b> 1:8 6:10 21:9,13 47:10 73:9 79:5,25 120:12 121:7 147:3 170:7,10 170:14,22 189:20 190:7 194:16 199:10 199:13 200:16 216:25 222:6 230:11 249:8 251:2 263:18 270:1 273:24 273:25 279:4 279:17 287:12 314:13 315:5 316:7 347:1 348:9,13,21,22 349:15,22 350:7 356:15 357:11 358:18 359:6,13 360:3 360:11 367:8 369:19 378:4 384:6 387:11 388:2 402:14 402:17,18 404:11 <b>spacings</b> 402:25 <b>speak</b> 42:11,14 46:9,14 48:20	50:17 51:10,15 51:20 52:7 64:7,12 67:5 70:19 79:16 104:19 150:3 150:25 180:22 183:16 200:11 207:8 251:5,10 257:3 259:16 391:1 394:7 402:1 <b>speaking</b> 48:3 <b>speaks</b> 81:13 183:3 186:6 201:23 251:24 277:19 357:12 357:15 <b>specific</b> 46:22 110:14 116:24 <b>specifically</b> 57:15 255:3 327:4 <b>specification</b> 4:12 <b>specifications</b> 351:8 <b>specified</b> 101:8 <b>specul</b> 258:9 <b>speculate</b> 191:22 <b>speculating</b> 155:2,4 258:10 <b>speculation</b> 155:5 163:2 169:22 170:20	184:24 230:14 339:25 <b>speculative</b> 258:19 <b>spell</b> 96:20 <b>spend</b> 103:19 <b>spilled</b> 353:16 <b>split</b> 331:20 <b>spoke</b> 31:7 41:9 42:24 43:6 44:25 45:4 46:12 48:24 50:11,15 51:17 51:20,22 57:19 63:17 65:12 68:20,21 75:11 147:19,22 161:5,6 250:4 392:6 <b>spoken</b> 51:13 65:13 66:11 184:25 360:17 <b>spontaneous</b> 14:23 <b>spot</b> 155:9 305:4,5,6 <b>spray</b> 128:10 158:20,24 171:5 178:22 181:6,16,20 182:5 190:18 198:21 199:20 214:1 219:20 220:21 222:15 248:12,12	258:4,11,25 268:11,14 <b>sprayed</b> 181:21 181:23 214:2,5 214:5 226:10 226:11,14 <b>sprayer</b> 141:10 159:6,10 178:19 179:2 182:5 259:22 <b>spraying</b> 182:6 214:10 280:5 <b>spread</b> 236:21 376:19 396:2 403:15 <b>square</b> 1:17 2:4 118:23 277:5 278:23 408:13 <b>ss</b> 4:6 20:10 408:2 <b>stacked</b> 218:23 <b>stage</b> 284:9 285:19,19,19 375:4 <b>stages</b> 317:12 <b>stamp</b> 23:15 303:10 309:22 <b>stamped</b> 23:15 23:23 24:7 41:8 326:10 345:24 346:2 <b>stamps</b> 24:3 <b>stand</b> 74:21 95:22 142:3 175:11
---	---	---	--



[standalone - subject]

Page 85

<p><b>standalone</b> 197:7</p> <p><b>standard</b> 70:5 70:8 71:4 92:3 95:3</p> <p><b>standards</b> 293:8,9</p> <p><b>standing</b> 47:5 47:18 48:13,18 48:24 147:22</p> <p><b>standpoint</b> 35:14</p> <p><b>start</b> 9:22 12:25 13:5 49:4 62:17</p> <p><b>started</b> 10:4 12:3 36:20,21 38:24 45:10 62:6 85:2,23 129:20 130:9 182:10 187:7 251:3</p> <p><b>starting</b> 55:8</p> <p><b>starts</b> 78:23 119:17 178:17 356:13</p> <p><b>state</b> 1:16 5:24 6:1,22 7:18 15:5 18:5 30:25 70:15 71:7 86:4 117:9 128:16 192:18 261:4 284:25 286:1 310:25 408:1,6</p>	<p><b>stated</b> 75:23 79:22 81:21 125:18 126:14 186:23 202:13 350:18 382:2,3</p> <p><b>statement</b> 18:8 34:1,6 49:23 65:15 69:23 111:3 115:6,7 115:9 156:24 157:5 177:16 200:4 205:16 206:7,24 254:25 256:2 257:19 258:4 258:23,24 390:18,20 391:23 397:8</p> <p><b>statements</b> 31:14 52:23,25 66:24 98:23 109:4 142:17 148:15 157:13 207:4 255:15 257:6,13,13,15 257:16,21 258:19 259:5,5 259:12,17 375:11,15 377:12 403:24</p> <p><b>states</b> 1:1 90:5 144:13 204:7 252:2,6 260:19</p> <p><b>stating</b> 261:5</p>	<p><b>station</b> 121:14 388:13</p> <p><b>stations</b> 387:7 387:8</p> <p><b>status</b> 85:10 86:2</p> <p><b>statute</b> 348:24</p> <p><b>stayed</b> 201:5,10</p> <p><b>steel</b> 58:25 217:11,13 228:13,22</p> <p><b>stenographic</b> 6:13 188:23 406:14,17,20 407:6 408:18</p> <p><b>step</b> 394:2,3</p> <p><b>stepping</b> 82:13</p> <p><b>steps</b> 108:23 394:2</p> <p><b>sterile</b> 284:18 311:4 324:13</p> <p><b>stick</b> 354:12</p> <p><b>sticker</b> 276:14 322:2 343:5</p> <p><b>sticking</b> 278:23</p> <p><b>stipulate</b> 232:10,12</p> <p><b>stir</b> 176:19</p> <p><b>stoner</b> 301:23 301:23</p> <p><b>stopped</b> 61:18 61:18</p> <p><b>storage</b> 169:25 217:22,25 220:2 377:20</p>	<p>379:24 404:3</p> <p><b>store</b> 404:3</p> <p><b>stored</b> 107:10 111:24 170:2</p> <p><b>storing</b> 107:22</p> <p><b>street</b> 2:15</p> <p><b>strength</b> 255:23,24 256:10</p> <p><b>strike</b> 65:4 102:16 168:3 197:21 199:22 238:21 264:10 287:4 391:11 392:12 396:24</p> <p><b>strong</b> 286:24</p> <p><b>strongly</b> 252:3</p> <p><b>structural</b> 101:23</p> <p><b>structure</b> 165:19 217:8 266:10 380:14</p> <p><b>structures</b> 55:1</p> <p><b>stuff</b> 55:23 83:4 118:7 143:4 219:11 241:3,5 247:3 269:19 393:4</p> <p><b>style</b> 76:9 78:3 141:11 271:9 273:25 274:2,8</p> <p><b>styled</b> 402:4</p> <p><b>subject</b> 29:16 29:21 370:6</p>
--	--	--	---

[subjected - swabs]

Page 86

<b>subjected</b> 239:14 319:4	<b>summarization</b> 315:4	140:25 149:7 158:13 171:17	<b>sustain</b> 125:14 287:19 377:3
<b>submitted</b> 23:20,21	<b>summarize</b> 17:6	184:12 187:23 214:2,22	<b>sustains</b> 126:2
<b>subpoena</b> 4:7 20:18,23 21:10 21:14 25:9 136:7 218:20 220:18 279:15	<b>summary</b> 95:21 <b>supervisor</b> 262:12 <b>suppically</b> 105:25	218:10 219:9 224:14 225:11 228:23 231:16 240:6 242:1 249:18 270:5,6 284:6 292:7 306:12 318:9 320:15 335:3 336:7,8 350:24 368:9 386:21 392:22,24 393:2,4 394:16 395:8 399:16	<b>swab</b> 132:21 135:10 237:23 284:13,13,18 308:16 323:19 324:3,11 326:12 327:8 331:2 334:1,2 335:15 338:4 346:5,11 386:24
<b>subscribed</b> 412:14	<b>supplemental</b> 73:6,11	<b>surely</b> 80:18	<b>swabbed</b> 241:1 335:7
<b>subsequent</b> 28:1 382:9 399:4 400:12	<b>supplied</b> 196:6 220:18 387:22	<b>surface</b> 124:6 124:15	<b>swabbing</b> 311:1 386:24
<b>subtract</b> 258:1	<b>supplies</b> 227:9	<b>surfaces</b> 122:25 124:5 125:4,4	<b>swabs</b> 78:14 207:15 208:14 286:22 290:22 298:4,20,25 307:11,12,18 308:6 310:25 311:4,7,16 323:7 325:20 327:16,17,20 328:12,17,21 329:3,5,9,9,19 330:13,18,24 331:12,22 334:22 335:6,7 335:9 336:1,5 336:10 337:12 337:12,14,17 338:12,19
<b>subtracted</b> 258:3	<b>supply</b> 112:2	<b>surpassed</b> 286:14	
<b>sudden</b> 99:22	<b>support</b> 257:12 349:17 360:7 375:11	<b>surprise</b> 197:1	
<b>suddenly</b> 96:23	<b>supported</b> 217:9	<b>surprised</b> 115:8,23	
<b>sued</b> 348:22	<b>supposed</b> 286:10	<b>surveillance</b> 405:25	
<b>sufficient</b> 86:4 97:10 157:12	<b>suppressing</b> 44:18	<b>suspect</b> 358:23 384:17,25 394:12	
<b>suggest</b> 314:8	<b>suppression</b> 122:8	<b>suspected</b> 254:23	
<b>suggested</b> 129:12,14	<b>sure</b> 13:4 24:9 26:1 35:17,18 39:25 43:23 46:11 49:25 63:9 72:21 75:3 80:4 97:24 112:14 115:4 136:15 139:9,22		
<b>suggesting</b> 112:8			
<b>suggestion</b> 115:24			
<b>suggests</b> 232:17 261:19			
<b>suitable</b> 275:7			
<b>suite</b> 1:17 2:5 2:11 408:13			

[swabs - talking]

Page 87

339:3,3,6,20 342:3 345:5,9 345:14 346:9 346:21,25 347:20 353:14 353:22,25 354:4,5,7,7,17 355:1 <b>swallow</b> 45:12 <b>swear</b> 6:12 <b>sweep</b> 392:22 <b>sweeping</b> 354:5 <b>swept</b> 32:1 <b>swiggle</b> 294:24 <b>swiggles</b> 294:24 <b>swirly</b> 158:9 <b>switch</b> 185:22 347:25 <b>switched</b> 122:17 <b>sworn</b> 1:14 6:16 408:9 412:14 <b>synonymous</b> 116:9 227:15 <b>sys</b> 210:22 <b>syst</b> 231:3 <b>system</b> 42:5 111:7 119:2,3 145:1 162:16 190:3 199:4,7 200:14,15 201:3,5 234:5 358:11	<b>systematic</b> 91:21 <b>systematically</b> 98:8 <b>systems</b> 113:3 145:3 167:16 181:22 186:16 187:16 <b>t</b> <b>t</b> 78:24 266:18 409:13 411:3,3 <b>table</b> 353:17 <b>tabs</b> 328:13 <b>tagged</b> 312:18 <b>take</b> 5:8 13:14 13:16 17:13 20:20 41:14,15 48:22 53:11 57:14 70:25 79:18 84:6 131:10 134:1 140:24 185:10 188:22,24 200:10 226:5 235:24 242:6 256:15,16 269:2,4,10 308:6 309:9,13 309:23 310:3 310:15,24 311:3,14 322:14 328:23 334:21 345:14 345:16 346:21 347:7 362:13	363:13 365:17 366:4 391:1 <b>taken</b> 1:16 5:11 11:14 18:21 25:22,25 26:14 26:22 27:2,5 27:10,22 32:6 36:14 55:4 84:12 137:16 145:16 148:15 155:25 178:6,7 184:4 189:3 207:24 212:9 236:4 242:14 258:4 261:25 263:16 267:11 267:13 270:12 286:8 307:15 308:11,16 310:20 323:12 325:19 326:7 326:12 328:6 330:13,18 336:1,16 345:8 345:20 353:4 364:12 368:15 370:2 385:8 399:1 408:11 408:17 <b>takers</b> 185:11 <b>takes</b> 226:4 340:23 <b>talk</b> 12:21,22 51:3 53:8 57:10 62:14	67:10 74:17 79:18,20 80:16 113:21 156:16 156:23 172:6 233:19 <b>talked</b> 49:14 66:10 69:8 83:23 84:1 88:6 113:6,9 150:13 156:22 172:9 173:5 212:13,13 221:15 233:24 385:4 <b>talking</b> 14:21 24:20 28:6 42:14 43:24 47:18 55:11 78:18 87:21 92:7 96:17 106:5,15 107:21,22 112:10 116:21 117:18 119:5 119:16 120:22 123:11 129:5 129:20 132:5 140:11 147:6 149:2,5 161:18 169:20,24 171:8 178:17 179:1 180:10 182:4,6 184:4 185:6 189:19 190:3,4 200:15
--	---	---	--

[talking - test]

Page 88

207:12 217:1 219:5,11 223:3 224:4 226:1,13 226:16 229:5 229:22 251:8 258:16 260:2 273:23 315:7 323:6 346:13 346:18 351:1 356:5 361:24 373:4 378:8 381:2 388:12 391:24 402:4 <b>talks</b> 323:18 <b>tall</b> 175:4 280:1 <b>taller</b> 135:22 <b>tamper</b> 343:12 <b>tampered</b> 343:11 <b>tampering</b> 344:9 <b>tape</b> 268:3 322:13,15 323:1 343:10 343:12,14,19 343:21 344:5,8 344:17,23 347:14 <b>taped</b> 344:8 <b>tar</b> 166:10,10 166:18 <b>taught</b> 81:17 <b>te</b> 329:2 <b>teaching</b> 81:13	<b>team</b> 115:24 <b>technical</b> 90:24 248:19 328:2 <b>technicality</b> 124:25 <b>technically</b> 91:3 121:18 124:13 273:12 328:17 <b>technician</b> 317:15 <b>techniques</b> 81:15 98:8 <b>tecum</b> 4:7 20:18 21:11 <b>tell</b> 6:16 9:1 21:16 47:17 54:8 57:1,18 58:20 59:3,16 63:2 64:20 69:23 76:6 83:10 94:2 99:3,7 123:22 124:1 125:12 127:11 138:9 139:9,20,22 154:5 160:21 177:8,8 183:15 189:9 191:1 212:8 215:8 221:11 258:7 259:20 265:15 265:17 267:19 288:15 318:10 320:16 325:2	326:9 327:4 330:13 333:4 337:8 341:5 359:25 363:18 363:22 365:18 376:1 386:6 392:9,13 399:22 408:9 <b>telling</b> 43:5 53:21 58:12 93:25 305:11 368:21 370:7 371:22 <b>tells</b> 154:21,22 <b>temp</b> 194:3 303:17 <b>temper</b> 234:17 <b>temperature</b> 97:13 194:17 194:25 228:12 228:21,23 229:1,2 230:7 230:8,17 232:6 <b>temperatures</b> 193:23 230:10 232:11 233:1 234:3,6,11 <b>ten</b> 48:21 51:12 53:10 57:18 235:21 256:24 280:12 302:13 330:20 390:2 <b>tent</b> 331:5,13 347:19	<b>tenths</b> 90:24 <b>term</b> 70:7 109:18 204:6,6 204:25 246:25 374:20 <b>terminated</b> 162:3 <b>terminology</b> 30:16,19 118:21 243:15 246:24 351:24 387:24 <b>terms</b> 12:17 14:20 56:1 58:11 59:19 120:18 144:5 253:8 351:10 351:10 376:1 386:25 <b>terry</b> 32:24 33:2 34:1,6 65:6,15 107:13 108:2 172:6 213:20 226:19 234:22 <b>test</b> 70:25 71:3 71:4,5 223:1 241:13 247:11 251:14 283:11 283:21 284:4,9 284:24 285:1,3 287:9 288:14 299:6 334:20 334:23
---	---	--	--

[tested - think]

Page 89

<b>tested</b> 110:15 125:25 126:4 163:24 223:23 224:17 245:3 284:20 285:3,5 288:22,22 324:10 334:17 340:15	286:7 287:5 400:6 <b>text</b> 84:17 192:9 <b>thank</b> 53:11 67:25 71:6,6,9 85:20 108:19 123:13 132:4,7 140:9 235:19 254:19 265:24 295:6 300:3 337:4 355:15 384:2 389:1,10 392:4 406:2	<b>thin</b> 343:15 <b>thing</b> 53:6 71:16 102:8 108:20 112:5 120:14,23 121:20 124:2 126:5 128:21 129:16 136:2 142:15 143:19 143:23 148:1 154:20 167:10 169:25 182:3 228:8 230:22 231:11 232:11 242:23 250:22 251:13,16 258:3 259:11 259:20 267:19 269:17 273:8 290:17 297:6 309:24 323:2 328:15 333:9 336:20 341:19 374:17 376:8,9 377:10 379:23 382:19 383:6 393:14 398:19 405:24	69:21 74:4 75:24 79:24 83:3 85:23 89:10,25 109:5 109:7 111:23 112:14,17 118:4,8 124:5 124:19,24 134:16 145:15 185:4 187:1 190:24 193:2 202:10,12,25 208:10 209:25 210:7,16 230:6 245:13,16,17 248:13 251:19 255:19 257:23 273:10 322:22 350:20 358:10 364:17 379:10 379:11 389:20 392:19,25 393:18,20 395:18,20 401:6 405:22 406:1
<b>testified</b> 6:18 19:5,9 86:14 88:13 107:13 130:9 192:23 213:20 214:24 218:21 220:19 221:17 226:22	<b>thanks</b> 17:10 25:12 47:8 48:19 70:22 84:15 134:10 162:18 220:12 291:3 298:22 313:19 314:21 324:12 366:7,7	<b>things</b> 9:8 21:4 22:15 24:17 27:15 38:19 41:10 42:3,9 53:15 54:11 55:22 56:21,23 57:3 58:1	<b>think</b> 9:20 10:21 11:5,24 12:10 22:8 23:23 25:10 26:1 30:18 32:23 34:20 38:5 40:1,12 43:24 45:7 47:11 50:22
<b>testify</b> 112:1	<b>theories</b> 199:22		
<b>testifying</b> 87:22	<b>theory</b> 348:23		
<b>testimony</b> 38:6 107:18 124:22 130:19 174:19 191:5 196:18 196:19 234:21 258:21 309:12 390:17 396:23 398:11 408:21 410:9,18 412:8	<b>thereof</b> 1:22 <b>thermal</b> 185:20 195:3 <b>thermostat</b> 172:23 194:17 194:25 <b>thermostat's</b> 234:17 <b>thermostats</b> 233:6,15		
<b>testing</b> 135:6 164:1 166:21 210:8 252:12 284:3 299:3 325:11 340:17 350:20 354:15			
<b>testings</b> 307:22			
<b>tests</b> 125:12,16 284:24 285:12			

[think - three]

Page 90

51:18 52:11	275:13 276:17	<b>thinners</b>	382:24 384:19
53:24 54:1,21	278:10 281:24	106:11 151:18	386:18
65:19 66:25	287:7,11 291:2	229:13,16	<b>thousand</b> 27:7
71:16 73:25,25	292:4 296:17	<b>third</b> 161:17	361:22
75:22 80:24	296:21 299:14	167:10 189:16	<b>thousands</b>
81:5,14 82:24	301:21,22,24	202:5 267:25	37:17 81:10,10
86:13 91:8	312:8 313:20	295:6 304:16	362:3
94:1 95:17	315:17 317:10	312:1 377:22	<b>three</b> 11:7,14
100:18 102:19	317:15 318:11	379:23	11:15 14:1,16
113:2 115:12	320:14 329:15	<b>thirdly</b> 298:22	16:6,12 28:4
118:2 121:9	335:14 337:10	<b>thirds</b> 189:8	28:10,17 31:1
124:23,23	338:15,20	215:16	31:15,16 52:12
126:7 130:1	339:2 344:3	<b>thomas</b> 2:3 3:5	83:12 116:12
133:5 134:11	348:20 358:5	6:6 21:1 44:24	117:18 118:14
143:17 145:25	364:6 365:2,5	47:12 100:17	118:18 127:20
147:17 149:10	365:8 370:13	103:1,21	130:11 142:10
149:15,17,20	371:6,14,20	130:16 134:9	147:14 164:8
149:25 152:17	372:14 375:13	140:16 191:9	175:1 189:4,19
152:25 153:1	377:21 380:23	211:4 279:7	191:18 196:10
154:1 155:11	381:10 382:13	281:17,22	196:15,19
162:2,21 165:3	384:8 389:3	290:25 326:17	197:4 200:16
172:14 174:25	390:14 396:2	326:19,20	203:5,18
178:11,11	398:22 401:5	370:19 380:3	208:19,20
181:3 182:3	401:12 404:1	403:25 410:1	209:2 222:5
185:1 192:23	405:18	<b>thomas's</b>	230:1,10
195:15 198:5	<b>think's</b> 50:15	279:11	254:12 270:10
199:11,15	<b>thinking</b>	<b>thorough</b> 375:9	274:6 293:2
200:5 201:12	243:12	<b>thoroughly</b>	294:8 311:25
209:5,5 219:7	<b>thinks</b> 172:22	207:20	317:21 325:23
222:18 227:23	<b>thinned</b> 229:13	<b>thought</b> 60:20	335:23 336:5
229:11 230:10	<b>thinner</b> 222:20	75:19,20 87:25	338:23 339:10
232:18 233:5,7	224:21 229:8	126:23 157:13	339:22 341:2
237:17 253:16	229:11 242:21	178:12 191:23	341:16 343:22
256:14 259:21	321:10,15,18	212:13 237:15	343:22 354:12
268:20 272:23	381:14	245:9 361:25	354:13,18,23



[three - today's]

Page 91

359:12 360:3	53:24 60:5	227:2,24	410:8
360:10 361:7	61:6,16 62:11	229:15,18	<b>times</b> 6:24 19:5
369:10 370:14	62:19,23 63:7	231:10,12,24	19:6,8 27:6
370:16 371:20	63:11,14,17,18	234:24 235:5	41:23 64:9
380:6 383:14	64:7 65:2,4	237:22 238:21	68:20 194:14
394:3,3 397:23	67:3 69:2,5	238:22 241:16	216:17 250:20
397:24 398:8	77:7,13 78:6	242:9,21 243:9	250:24 399:16
398:12 402:16	83:9 84:10,14	244:5,12,18,23	<b>timing</b> 374:22
<b>threshold</b>	85:9,10,13,19	249:23 254:7	<b>tip</b> 262:14
260:20	86:2,3,7,16,16	260:3 262:9	<b>tipped</b> 246:18
<b>threw</b> 14:6	86:23 88:3,4	268:20 269:24	<b>title</b> 20:4
<b>thrown</b> 35:11	92:17,18	270:7,11,14	<b>tjones</b> 2:7
<b>thumb</b> 319:19	102:18 103:5	272:20,21,22	410:2
319:20	103:21 113:5	277:1 287:12	<b>today</b> 7:1 13:14
<b>ties</b> 293:23	113:11,13,17	292:22,25	13:15,21,23
<b>tig</b> 59:3,9	119:21 129:2	302:18 303:7	18:24 20:14,20
<b>tight</b> 199:16	130:2 133:3,4	308:17 309:18	21:10 24:23
<b>tightly</b> 117:16	133:5,18,20	311:15 312:12	43:12 54:24,25
119:3	134:1,17 137:6	313:13 328:4,8	57:11 83:18
<b>tile</b> 273:25	138:18 146:10	329:7 330:6	87:18 89:16
<b>till</b> 72:20 82:6	147:13 152:11	334:5 340:18	136:4,6 144:15
<b>time</b> 1:21 5:7	152:14 156:12	344:17,21	165:17 188:18
5:25 7:25 8:1,2	166:2 178:5	348:18 363:13	211:11 212:2
8:13 9:2,23	183:7 185:7,15	364:16 365:17	218:17 262:20
11:13 12:22	186:9,24	370:1 373:1,2	264:2,19
21:8,10 23:6	188:21,24	374:1,11,11	266:22 271:14
23:10 26:18	189:5 190:24	378:4 380:24	271:16 276:3
28:14,16 31:6	191:7 192:6	389:4,5,6,6	277:2 278:13
35:5,7 38:21	193:18,21,25	402:2,4 405:15	278:17 280:9
39:6 41:8,23	194:4 200:10	405:16,19	306:21 312:7
43:14 45:21	202:24 204:24	406:11 410:19	317:23 351:9
46:9,12 48:18	207:24 210:22	<b>time's</b> 189:2	369:16
49:14,24 51:2	212:12 218:12	<b>timeframe</b>	<b>today's</b> 21:23
51:7,22 52:10	221:6,12	134:12 297:11	32:18
52:13,17 53:14	224:16 226:5	340:18 392:16	

[together - trailers]

Page 92

<b>together</b> 12:21 121:4 198:18 235:5 256:17 293:23 326:1 328:21 338:21 390:23 394:14	274:20,23,23 274:24 275:10 275:11 277:15 279:17 280:3 280:11 281:7 287:8 288:13 367:9 378:10 386:14 392:9 392:15 398:21 401:5	328:20 329:18 344:19 345:9,9 346:3,22,25 347:12,20 358:18 361:23 367:15 369:5 370:7,13 371:20 372:8 373:6,14,17 395:22 398:1 398:16,22	353:17 356:3 361:6 369:9 373:18 402:19 <b>topic</b> 34:16 348:11 <b>tops</b> 307:6 <b>torch</b> 225:7 227:23 228:13 228:20,21 <b>torches</b> 59:18 59:21 60:4 225:16,20 226:24 234:23
<b>told</b> 18:24 31:12 43:7 44:9 48:22 53:10,12 54:6 55:12,19,20 56:11 57:14,22 58:8,9 59:22 60:18,22 63:12 63:15 75:1 77:18 78:5 106:10 107:2,5 107:7,19 122:15 129:3 133:4 136:11 141:7,7 147:12 147:16 149:22 156:9 157:8 162:14 167:24 172:19 176:10 190:18 196:11 196:24 209:17 212:12,20 221:14 224:20 229:17 233:2 233:21,22 234:2,12 250:17 251:1 272:11 273:13 273:19 274:16	<b>toling</b> 34:7 <b>tolle</b> 130:8 <b>tom</b> 192:14 <b>tonight</b> 287:12 <b>took</b> 15:9 16:12 17:18,22 26:20 26:21 34:5 49:5,21 50:7 93:18 115:12 130:23 132:14 132:16 134:19 138:4 142:19 145:11,14 165:1 181:20 183:12 212:4 212:23,24 214:24 220:17 223:8,9 303:15 307:15 308:8 309:17,17 310:1,9 311:16 312:12 317:11 321:6 322:12 326:4 327:16 327:16,17	<b>tool</b> 169:19 170:6 173:2,5 173:8 <b>tools</b> 170:2 <b>top</b> 12:22 17:15 116:5,13 127:8 143:6 144:21 158:17 160:1 160:18 161:16 166:2 167:6 169:19 219:20 222:9 239:20 241:3 247:6,17 262:14 265:18 267:18 277:4 278:14,20,24 279:23 282:4,8 282:9 290:20 291:5,5 303:1 303:17,17 306:5,5,22 319:3 326:11 327:3 332:21 332:22 343:1	<b>total</b> 12:10,15 12:16 27:8 28:2 32:6 221:25 377:23 <b>totally</b> 121:1,25 239:16 258:11 358:14 359:1 399:17 401:23 <b>touching</b> 280:22 <b>towards</b> 171:2 289:19 <b>track</b> 389:20 <b>tracking</b> 41:12 43:5 <b>trade</b> 137:24 157:24 311:22 <b>trailer</b> 7:12,14 7:17 8:11,19 88:11 89:6,18 <b>trailers</b> 8:13

[training - two]

Page 93

<b>training</b> 394:24	<b>trucked</b> 118:15	<b>tube</b> 79:6 83:13	132:13 167:9
<b>transcribed</b>	<b>trucks</b> 46:20	117:11,20	177:20 201:1
18:22	55:23 56:24	120:1,5,12	208:16,17,19
<b>transcript</b>	262:12	126:19 127:4	251:15 308:22
115:14 408:20	<b>true</b> 23:9 33:24	128:5,8 129:12	310:21,22
410:6,20 412:5	34:2,3,10	139:8,10	371:23 372:22
412:8	67:11 101:4,4	170:13 190:7	380:6,7 382:10
<b>transcription</b>	110:11 117:1	195:15,19	382:11 388:19
18:14	253:11,13	196:7 199:24	<b>tuck</b> 394:6
<b>transfer</b> 42:3	256:25 257:2,4	201:2 208:9	<b>turn</b> 144:22
236:25	257:22 258:12	212:21 244:14	172:21 278:10
<b>transferred</b>	383:6 408:20	272:10,16	290:19 392:25
162:15	412:8	273:3 274:7	<b>turned</b> 38:20
<b>transferring</b>	<b>truth</b> 6:16,17	298:5,20,21,25	40:3 45:10
97:11	6:17 408:9,9	304:15 305:15	113:4 144:22
<b>transpired</b> 31:9	408:10	305:16 306:4	171:9,10,18
<b>trash</b> 126:18	<b>try</b> 13:2,4	306:19,24	233:21 234:17
128:4 236:1,7	62:13 64:10	310:16,21	302:13 391:2
239:11	67:2,6 102:11	318:8,11,23	392:23 393:19
<b>travel</b> 88:3,4	104:9 109:9,12	321:7 327:5,11	<b>turpentine</b>
<b>treat</b> 102:6	109:14 114:19	327:19 330:25	321:9
<b>treated</b> 79:13	245:15 250:22	331:1,2 333:6	<b>twelve</b> 4:5
<b>trevor</b> 34:8	278:2 284:12	333:12,24,25	138:2 305:9
213:1 214:24	284:22 285:17	334:7,8 336:1	320:21
218:19 220:17	286:11 308:1	353:4 361:16	<b>twenty</b> 228:19
272:4,23	365:20,22,24	371:9 378:15	<b>twice</b> 69:8
279:16	<b>trying</b> 90:1	378:18,22,24	243:20 315:15
<b>trial</b> 19:11	94:8 109:17	379:1,3,4	366:18,21
87:22 144:15	127:15 134:19	383:8 384:15	<b>two</b> 4:4 7:15
<b>tried</b> 123:22	269:7 287:3	384:23 387:9	10:12 15:10,10
312:25	289:14 303:21	388:7 401:20	22:24 25:19,21
<b>trouble</b> 210:2	308:9 319:9	402:7,8	32:9,11,12
246:7	347:10	<b>tubes</b> 105:24	36:7 43:11
<b>truck</b> 130:17	<b>tt</b> 4:7 20:20,25	121:22 122:3	56:2,9 60:2
		122:20,25	62:24 63:22

[two - understands]

Page 94

66:15 72:2 73:18 84:13 86:2 108:22,23 109:1 111:21 116:21 122:4 124:24,24 127:20 130:11 131:8,14 132:9 133:21 152:2 154:11 157:10 160:8 164:15 165:14 167:4 189:1,8 191:13 214:25 215:16 217:1 221:16 230:1 243:20 252:20 253:5 253:21 254:2,2 254:12 258:8 268:25 269:11 272:2 275:17 292:15,16 304:1 310:21 316:15 317:21 325:23 330:14 338:10 339:10 341:13 353:7 354:14,17 356:25 357:1 360:19,23 361:7 364:22 371:6,8 376:24 378:13 380:5 394:2	<b>type</b> 40:5 59:5 76:10 77:3 79:25 81:6 86:20 87:24 88:1 105:4 109:3,5 110:8 117:25 121:14 133:8 142:4 151:19,20 158:18,24 173:6 180:22 190:13 199:6 209:25 214:12 230:1,1 232:10 247:6 273:14 273:16,22,23 275:1,1,7,11,12 285:5 306:13 320:25 378:25 387:12 <b>typed</b> 71:23 82:17 188:5,10 188:17 254:7 283:1 356:10 356:22 <b>types</b> 8:12 19:23 251:18 <b>typewriting</b> 408:19 <b>typewritten</b> 408:20 <b>typical</b> 283:7 <b>typically</b> 151:22 225:13 269:11 284:14	340:21 <b>typing</b> 12:24,25 72:16 <b>u</b> <b>u</b> 333:1 409:13 <b>uh</b> 47:21 54:23 55:7 75:8 90:7 116:14 132:19 165:13 182:21 183:10 184:2,9 189:10 214:17 219:18,22 227:21 234:20 268:2,6 270:20 278:12 303:12 303:14 312:3 318:21 319:6 324:18 331:24 332:16 345:11 352:22 364:21 373:25 384:12 399:14 <b>uncertain</b> 139:24,24 <b>unchanged</b> 127:14 128:1 <b>uncover</b> 390:25 <b>uncovering</b> 308:3 <b>undated</b> 272:4 <b>under</b> 63:8 85:16,16 99:25 100:1 101:8 159:12 193:1 193:10 196:13	222:8 223:18 232:14,14 332:24 333:2 348:22,23 352:21 395:23 398:20 408:19 <b>undergoing</b> 97:6 <b>underlined</b> 160:19 161:2 <b>underneath</b> 165:23 305:23 306:4 318:23 394:11 <b>understand</b> 13:8 29:14 56:5 72:23 108:16 116:16 123:10 168:11 170:6 179:14 200:15 208:10 216:14,16 220:24 228:25 277:20 307:20 348:20 349:10 384:8 <b>understanding</b> 40:14 81:8 109:22 164:12 186:15 214:14 265:6 276:19 329:17 334:16 393:5 <b>understands</b> 136:15
---	---	--	---

[understood - utilizing]

Page 95

<b>understood</b> 13:11	368:14	395:3 400:25	363:20 395:11
<b>undetermined</b> 405:11	<b>unreliable</b> 109:12	<b>used</b> 54:15	395:21 410:20
<b>unfortunately</b> 7:23	<b>unresponsive</b> 391:11	58:20,21 59:17	<b>useful</b> 374:23
<b>unheated</b> 170:10,13	<b>updated</b> 37:10	59:21 60:5	<b>uses</b> 358:8
<b>unidentified</b> 76:8 77:2	<b>upgrade</b> 165:14	76:11 91:20	<b>using</b> 79:4
<b>unified</b> 85:6	<b>upside</b> 211:16	93:12 106:7,21	98:16 107:21
<b>unintelligible</b> 125:19 182:18	211:23 355:22	106:24 107:1,3	118:22 130:10
363:24	<b>upwards</b> 250:13	107:20 120:12	187:4 225:16
<b>unit</b> 5:10 56:12	<b>use</b> 15:2 27:12	126:17 128:4	227:15,19,23
59:12 117:16	30:16,18 42:5	129:21 130:15	290:15 294:24
119:9,10 121:7	60:9 74:17	130:16 131:1	296:14 386:25
123:6,9,10	92:25 94:24	135:12 142:9	387:4
156:2 195:1	95:3 97:3	147:13 156:7	<b>usually</b> 42:12
217:22 271:10	98:22 103:21	156:11 157:6	42:13 58:14
273:1 293:23	106:10,21	158:25 162:1	72:4 94:22
298:20,21	108:7 109:17	162:16 171:15	96:6 234:7
332:4 358:12	117:15 119:7	171:18 172:1	245:15 248:12
361:8 362:20	120:18 123:9	172:12 176:11	401:2
364:24 365:8	123:10 124:11	196:12 204:4,6	<b>uti</b> 225:12
365:10 377:20	126:21,22	204:6,13 205:1	<b>utilize</b> 15:21
395:3	133:19 142:7,8	209:17,18	93:24 95:5,5,7
<b>united</b> 1:1	156:25 176:15	210:20,23	98:24 102:8,14
<b>units</b> 59:9	207:4 214:11	224:15,19	108:5,8 109:9
120:24 121:18	228:24 234:22	225:7 226:23	148:17 150:1
121:22 122:12	243:23 246:25	229:15 243:15	157:11 312:25
123:7 190:4	290:4 296:20	252:21 253:22	<b>utilized</b> 94:1,4
199:20 200:17	303:10 307:9	253:25 254:3	95:8 98:18
272:9 289:7	322:15 323:1	261:8 283:24	106:11 108:12
312:18 363:2	329:2,11 344:5	292:4,5 293:2	109:23 165:6
	351:13 375:22	293:2 324:11	211:1 225:12
	391:20 394:8	327:9 329:4,9	275:12 313:10
		329:12 335:7	405:12
		335:15 346:11	<b>utilizing</b> 98:8
		349:13 350:2	147:3 185:7
		351:19,24	

[v - want]

Page 96

<b>v</b>	179:6 181:22 231:2 <b>ventilization</b> 145:3 <b>vents</b> 197:8 <b>veracity</b> 257:5 <b>verbal</b> 263:1 <b>verbally</b> 288:13 <b>verbatim</b> 95:20 127:11 356:22 <b>vergon</b> 21:25 21:25 25:18 114:23 115:18 <b>vergon's</b> 22:10 23:4 49:11 115:11 <b>verify</b> 375:15 410:9 <b>veritext</b> 5:19,21 410:14,23 <b>veritext.com</b> 410:15 <b>version</b> 167:13 <b>versus</b> 5:13 226:10 256:17 394:3,3 <b>victory</b> 272:1 <b>vid</b> 49:7 <b>video</b> 1:12 4:6 5:8,10 20:10 26:8 33:25 34:5 36:5 43:18 49:9 50:8 52:22 65:14 239:5,9	405:24 406:23 408:11,17 <b>videographer</b> 2:19 5:3,20 6:11 84:10,13 189:1,4 270:10 270:13 328:4,7 369:25 370:3 389:8 406:10 406:21 407:1,4 <b>videos</b> 26:13 183:13 385:9 386:1 405:22 405:25 406:1 406:22 <b>videotape</b> 49:19 <b>view</b> 118:5,5 <b>violate</b> 293:8 <b>visible</b> 365:17 371:17 <b>visit</b> 250:21 <b>visited</b> 215:1 <b>visual</b> 186:8 <b>vitae</b> 8:22 9:13 12:3 <b>void</b> 216:25 <b>volunteer</b> 70:17 389:25 <b>vs</b> 1:6	<b>wacker</b> 16:10 <b>wait</b> 13:3 72:20 73:3 149:10 171:9 186:15 187:12 316:2 373:23 378:7 383:3 <b>walk</b> 393:6 <b>walks</b> 393:2 <b>walkthrough</b> 392:10 393:12 <b>wall</b> 131:6 143:24 170:1 213:13,21 214:4 215:17 216:18 217:18 217:20,25 218:7 220:2 223:17 268:24 269:20 377:18 377:18,20 379:23 <b>walls</b> 128:25 139:2 141:25 143:13 222:2 402:20 <b>want</b> 17:5 43:1 43:7 50:4,6 67:5 86:21 100:22,24 110:10 126:17 245:15 246:25 269:14 270:1 273:13 274:25 308:23 328:15
<b>v</b> 4:14 45:3 90:8 271:22,24 271:25 272:25 274:18 275:20 275:20 410:4 411:1 412:1 <b>vague</b> 51:24 379:18 <b>valve</b> 195:7 <b>vantage</b> 146:7 <b>vapor</b> 358:14 <b>vapors</b> 121:25 179:5 199:19 358:10 <b>var</b> 166:10 <b>variation</b> 89:9 <b>variations</b> 208:25 <b>various</b> 70:17 87:4 313:11 <b>vary</b> 235:6 <b>varying</b> 235:6 <b>vast</b> 205:3 <b>vehicle</b> 48:24 <b>vehicles</b> 153:5 153:6 <b>vein</b> 151:20 <b>vent</b> 154:16 <b>vented</b> 271:10 <b>ventila</b> 144:11 <b>ventilation</b> 144:8 145:1 167:15 168:1 175:25 176:4	<b>w</b> 2:14 3:4,7 4:15 276:1,21 278:9 279:14		



[want - whispering]

Page 97

376:22 384:10	<b>way</b> 13:22	89:14 160:8	307:23 322:4
389:5 390:25	31:23 38:7	<b>weeks</b> 11:7,14	334:9,17
390:25 391:21	44:11 59:2	11:15 14:1,17	335:24 337:11
406:14,23	69:1 70:12	16:6,13 28:17	338:21 339:19
407:6	86:3 95:9	31:1 130:11	341:1,14
<b>wanted</b> 45:25	121:24 128:16	160:8 398:23	342:14,23
61:14 68:22	133:19 144:23	399:5	343:23 344:24
69:3,5 114:17	145:17 150:11	<b>weigh</b> 175:23	351:12 352:1
114:20 132:20	168:10 175:11	<b>weighs</b> 175:22	354:15 382:15
134:16 187:9	175:19 189:8	<b>weight</b> 175:22	382:20 383:7
245:11,24	194:10 207:10	175:24	<b>went</b> 46:3,11
246:2 259:16	218:11 230:9	<b>weird</b> 269:8	50:18,25 51:5
284:11 308:20	238:18 248:2	<b>weld</b> 58:24	62:19,23 86:16
322:18 347:7	258:1 271:4	225:14	86:25 113:11
386:6,11	277:20,24	<b>welded</b> 225:3	113:12 125:17
<b>wanting</b> 257:18	293:7 299:15	<b>welder</b> 173:1,4	128:19 132:21
<b>wants</b> 285:12	301:15 325:9	173:7	134:6 152:10
390:24 406:22	325:14 329:15	<b>welders</b> 234:23	152:21 153:4,5
<b>warmer</b> 234:8	334:20 344:12	<b>welding</b> 58:21	194:7 210:22
<b>warning</b>	348:14 354:22	59:2,3,3,9,12	246:7 279:17
191:15	355:22 360:17	60:16,18,20,23	286:17,24
<b>wash</b> 129:22	371:2 382:14	61:20 62:5	291:16 313:4
130:16,17	384:10,21	63:5 64:17	322:25 329:10
131:9,15	392:11 398:14	65:1,18 76:11	344:18 392:16
138:15	<b>wayne</b> 1:2 5:16	173:13 224:22	393:3
<b>washer</b> 158:14	27:4 45:1 86:5	224:23,24	<b>weres</b> 137:16
<b>waste</b> 160:3	233:3 260:13	225:1,13,13	<b>west</b> 269:14
<b>watch</b> 140:15	<b>we've</b> 20:7	228:9 280:5	<b>wet</b> 125:9
<b>water</b> 124:10	152:22 173:5	392:18	284:9,25
125:1,3 146:3	351:8 365:15	<b>wells</b> 123:22	285:19 286:1
176:15 199:24	393:6 396:9,9	166:20 210:7	<b>when's</b> 11:13
200:3 403:6,12	<b>weather</b> 194:1	223:22 282:15	28:14 137:6
403:14,20	194:3,9 233:3	284:2 285:16	<b>whereof</b> 409:5
<b>water's</b> 227:10	<b>week</b> 23:3,12	288:12 296:25	<b>whispering</b> 5:6
	29:9 88:18	299:21 300:9	

[white - witness]

Page 98

<b>white</b> 56:8	95:25 96:2,13	150:22,24	196:18,22
154:9,19	96:17 97:15,18	151:6,14,16,18	197:7,12,14
164:12 170:8	97:21 98:12,22	152:16,25	199:1 200:24
213:14 215:19	101:2,11,16,25	153:12,16,22	201:17,21,24
215:20 216:8,8	102:2 104:2,21	154:4,14,20	202:1,22
219:12	104:24 105:8	155:3,5,7,19	203:17,20,23
<b>williams</b>	105:19 107:19	156:4,11	204:23 206:4
178:20	107:23 108:20	157:16,23,25	206:12 210:10
<b>willing</b> 287:15	109:4 110:23	158:13,22	210:14 211:7
<b>wind</b> 231:12	111:3 114:14	159:3,12	213:4,9,17
<b>winter</b> 193:25	115:2,13,22	160:25 161:14	215:7,20,25
<b>wintertime</b>	117:4,6 119:1	161:17 162:8	216:25 219:2,5
194:12	119:18,20	162:14,19	219:7 220:8
<b>wipes</b> 265:19	121:11 123:12	163:1,3 164:1	221:23 222:14
<b>wiring</b> 112:19	124:1,13,23	164:20 166:5	222:18,21
112:22 206:21	125:16,20,23	166:13,16	225:11,24
<b>wise</b> 130:5	126:4,11 127:3	167:1,24 168:9	227:6,19,22
389:25	127:21,23	168:18 169:10	228:15 230:15
<b>wit</b> 98:24	128:14,16	169:23 170:12	230:22 231:15
122:10	129:25 130:5	170:19,21	231:20 232:2,4
<b>withdraw</b>	130:20 131:17	171:2,13,24	232:10 233:12
69:21 94:3	134:11 136:11	172:1,9,11	235:3,13 237:8
<b>witness</b> 1:13	137:22,25	174:5,10,15,25	238:8 242:11
6:12,19 21:20	139:5,18,21	175:14,21	247:5 248:5
31:14 34:12	140:4,8,13,21	176:7,9,23,25	249:2 250:1,17
38:13 40:11,19	141:1,17	179:1,24	253:16 256:1,7
42:15 44:1,25	142:14,25	180:17 181:3	256:14 257:5,8
45:13 54:23	143:3,10,12,15	181:19 182:3	257:15,16
57:7,13 62:8	143:19 144:11	183:4,19	258:7,14,16,18
64:6,25 66:8	144:19 145:11	184:16,25	258:22,22,23
71:7 72:12	146:9,23	185:13 186:5,7	259:2,5,11
80:10 82:10,15	148:11,21	186:13 188:4	260:1 261:8
86:15 89:9	149:7,14,15,17	188:12,14	262:25 263:12
91:11 92:24	149:20,25	189:16,18,22	266:1,4,6,10,24
93:15,22 95:12	150:5,7,14,16	190:13 192:25	267:3,18

[witness - working]

Page 99

269:10 273:6	343:9,14,17	<b>wood</b> 217:8,14	254:2 256:4
273:19 276:12	344:3,11 346:7	217:19,19,19	261:8,16
277:1,20 278:2	346:9,15 347:5	219:7 379:16	276:21 277:12
279:6,8 280:21	347:10 348:7	379:20,20,23	290:2,3,3
281:5,10	349:5,24	380:13,15	356:25 357:1
283:13 286:4	352:15 354:3	401:2,4	386:23 402:15
287:6,8,22	355:7,17,24	<b>wooden</b> 377:19	403:16
291:1,10,12,22	356:1 357:17	377:20	<b>work</b> 7:11,13
292:18,25	358:1,22 359:1	<b>word</b> 15:2,21	8:3,12,24 9:23
296:7 297:6	359:18,25	24:4,7 27:12	10:12,13 27:25
300:3 301:5,13	362:5,22 365:8	30:16 95:7,16	55:21,22 88:1
302:3,6,17,25	365:23 366:2,6	96:3,3,15 97:5	89:12,17,22
305:22 306:10	367:14,21	104:16 116:8,9	99:8 111:15
307:25 309:13	368:1,4,7	117:15 119:7	130:1,2 232:21
310:20 311:3	369:2 375:3	120:18,18	394:17
311:11,23	377:6,11	122:17 124:11	<b>worked</b> 7:14
312:22 314:19	378:24 379:20	126:21,22	12:8 16:4
314:22,24	380:2,8 381:16	202:19 203:13	28:15 29:17
316:21,23,25	381:18 382:2,5	204:13 227:20	36:7 64:2
317:2 319:1,16	382:19 384:3	243:24 253:22	70:16 86:25
319:21 320:4	391:17 396:1	254:1 275:13	91:14 120:4
320:21 322:8	404:12 409:5	276:15 277:8	184:10 282:14
322:17 323:21	410:8,10,12,19	295:4,15,25	350:2,3 387:9
325:6,16	<b>witnessed</b>	296:2 298:8	<b>worker</b> 88:14
326:15,18	122:10	351:13,19	88:17
327:7 328:3	<b>witnesses</b> 27:23	357:9,22,23,24	<b>workers</b> 60:24
330:17 331:10	31:10 64:1	358:3,8,17,19	<b>working</b> 8:18
332:10 333:23	66:24 67:3,5,9	362:13 391:20	9:22 17:3,25
335:13 336:20	87:21 148:14	<b>word's</b> 126:10	18:1 28:9,12
337:3,5,17,19	149:4 152:3	<b>wording</b> 97:2	30:8 62:4 63:4
338:2,9,11,23	259:6 374:25	<b>words</b> 30:13	81:3 88:25
339:12,16	375:11 377:8	92:15 104:17	156:17 179:25
340:1,14	382:2	177:8 191:14	232:19 348:17
341:10,19	<b>wondering</b>	200:13 205:13	392:18
342:18,20	76:1	217:6 253:20	

[worksheet - yeah]

Page 100

<b>worksheet</b>	204:20 276:22	299:19,25	179:1 184:11
282:10 283:20	292:13 401:15	300:12,12,16	186:5 188:24
335:6,10	<b>wrong</b> 64:20,21	303:6 304:5	189:21 193:25
<b>workshop</b>	71:25 90:16	305:9 306:21	196:8 198:9
402:1	130:8 232:18	331:4,14	202:10,22
<b>world</b> 206:12	232:24 244:1,2	333:14,18,21	203:8,17 207:2
395:10	256:4,5,8	345:23 346:1	211:25 212:1
<b>worse</b> 209:10	272:7 276:20	409:13	216:2,25 220:9
<b>would've</b> 61:21	313:22 315:3	<b>yea</b> 116:5	222:17,21
82:10 197:9	349:22 355:22	<b>yeah</b> 9:19 10:7	228:18 230:15
288:21 297:8	<b>wrongly</b> 204:6	11:13 12:4	236:2,13,14,25
322:10 333:1	<b>wrote</b> 53:13	16:10 25:5,25	240:8 242:2,4
<b>wouldn't've</b>	76:22,25 93:3	26:11 27:5	242:7 243:4,23
383:19	93:7 149:11	29:16 36:4	254:4 256:10
<b>wrap</b> 158:2	189:24 191:24	37:21 42:23	261:21 265:17
318:2	202:6,19 203:5	46:7 48:19	266:1,3,14,17
<b>wrapped</b> 318:8	283:20 292:2	57:8,8 62:22	270:9 274:19
<b>wraps</b> 390:22	295:7 297:23	67:24 72:1	278:13 282:6
<b>write</b> 41:23	298:1,3,19	73:10 79:1	282:25 291:2,5
140:20 149:17	299:1,3 300:22	80:7,24 91:6	291:9 292:12
149:20 160:24	351:12 361:6,9	96:13 98:1	293:4 302:5
292:9 294:17	364:22 374:1,7	103:15 110:7	305:17 306:2
296:2 298:24	<b>x</b>	113:11 116:7,8	307:25 309:15
<b>writes</b> 279:23	<b>x</b> 281:9	116:21 117:5	311:21 315:25
<b>writing</b> 117:17	<b>xylene</b> 209:21	119:11 120:23	317:16 318:13
185:16 265:9	210:5,11	122:23 126:11	318:18 319:14
265:10 268:5	248:24	128:24 134:1,9	319:24 320:21
299:2 324:25	<b>y</b>	134:11 137:7	320:25 322:9
<b>written</b> 1:21	<b>y</b> 4:15 96:20,20	138:17 143:8	324:3 325:21
29:12,23 35:21	281:13 282:3	146:2 147:8	325:23 326:10
35:22 40:2,4	290:6 292:10	154:14 161:17	326:15 327:19
82:16,17 83:1	292:11,11	161:19 163:19	329:7 332:12
83:3,4 85:12	294:7,10 296:1	165:24 166:13	332:13 333:8
99:13 148:7	297:16 298:19	166:15 169:23	337:3 343:16
178:16 204:18		175:17 178:14	350:4 353:19

[yeah - zoom]

Page 101

355:13 359:18	336:25 342:13
360:6 361:4,20	342:22 352:25
361:20 362:5	353:2
362:22 364:25	<b>yep</b> 125:23
369:23 371:18	157:24
373:12 374:3,4	<b>yesterday</b>
374:5 375:13	54:21
375:13 380:21	<b>z</b>
381:4 382:25	<b>z</b> 4:4,5 45:3
387:2 388:18	47:8 48:11
390:7 397:11	50:20 52:3
397:21 406:8	54:19,24 96:20
407:2	152:23 164:14
<b>year</b> 7:15 8:16	167:16,22
9:11,16 12:6	170:5 179:18
17:12 70:20	218:1 278:5
80:12 85:15	404:5,5
92:7 135:15	<b>z's</b> 84:6
141:9 146:6	<b>zionsville</b> 7:9
147:21 160:8	<b>zoccola</b> 2:3 6:6
237:5 297:10	6:8 21:1 91:7
313:17 371:21	94:5 99:5,9,13
372:9 401:25	99:16,18 100:7
<b>years</b> 11:17,18	103:12,15
12:14 40:23	189:13 191:16
58:4 107:2,3	191:18 211:13
107:20 142:10	211:17 220:10
184:10 202:17	220:12 235:15
203:5,18	263:9 270:9
209:18 211:2	348:2 352:11
254:12 286:5	352:13 355:23
389:19,20	<b>zoom</b> 363:17
390:2	
<b>yellow</b> 158:8,9	
220:14 332:17	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).